United Nations S/2014/369

Security Council

Distr.: General
23 May 2014

Original: English

Letter dated 22 May 2014 from the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1540 (2004) and with reference to paragraph 4 of Security Council resolution 1977 (2011), I have the honour to transmit herewith the thirteenth programme of work of the Committee, covering the period from 1 June 2014 to 31 January 2015 (see annex).

The Committee would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) **Oh** Joon
Chair
Security Council Committee established
pursuant to resolution 1540 (2004)

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Annex

Programme of work of the Security Council Committee established pursuant to resolution 1540 (2004) for the period from 1 June 2014 to 31 January 2015

I. Introduction

1. The Security Council, in paragraph 4 of its resolution 1977 (2011), decided that the Committee established pursuant to resolution 1540 (2004) should submit an annual programme of work to the Council before the end of each May. The thirteenth programme of work of the Committee covers the period from 1 June 2014 to 31 January 2015. The Committee has agreed on the following work programme to fulfil its responsibilities under Council resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011).

2. The Security Council, in paragraph 9 of its resolution 1977 (2011), decided that the Committee should continue to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004) through its programme of work. This includes the compilation and general examination of information on the status of States' implementation of the resolution, in addition to their efforts at outreach, dialogue, assistance and cooperation, and addresses in particular all aspects of paragraphs 1 to 3 of that resolution, which encompasses accountability, physical protection, border controls and law enforcement efforts and national export and trans-shipment controls, including controls on providing funds and services such as financing related to such exports and trans-shipments. The programme of work also includes, as necessary, specific priorities for the work of the Committee, taking into account its annual review on the implementation of resolution 1540 (2004), prepared with the assistance of the group of experts before the end of each December.

3. The Committee will continue to work with Member States on the implementation of resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011), guided by the principles of transparency, equal treatment, cooperation and consistency in its approach.

4. In order to implement the thirteenth programme of work more efficiently, the Committee will continue to operate a system of four working groups, open to all of its members. The working groups will focus on important and recurring issues. Each working group has specific tasks related to the programme of work, which are set out below. Each will be chaired by a member of the Committee, and support will be provided by the Secretariat and the Committee's group of experts. In addition, the Committee will publish a schedule of periodic meetings of the four working groups with a view to meeting its objectives efficiently and promptly. The meetings will include periodic feedback by the working groups responsible for tracking progress with respect to monitoring and national implementation; assistance; cooperation with international organizations, including the Security Council Committees established pursuant to resolutions 1267 (1999) and 1373 (2001); and transparency and media outreach.

5. All working group meetings will be open to and announced to all Security Council delegations, and related documents will be circulated to them prior to the

meetings. The work will be organized in a manner that enables all delegations, regardless of size, to participate fully in the activities of the working groups. The Committee will promote greater transparency by, where relevant, holding open meetings on the working group outcomes approved by the Committee and communicating them to national contact points. The Committee, in cooperation with the Office for Disarmament Affairs, the Department of Political Affairs and the Department of Public Information, will also update its website regularly.

II. Tasks of the Committee and its four working groups

6. The Committee will focus its attention on, but not limit it to, the following main areas of work: (a) monitoring and national implementation; (b) assistance; (c) cooperation with international organizations, including the Security Council Committees established pursuant to resolutions 1267 (1999) and 1373 (2001); and (d) transparency and media outreach. In addition, the Committee will consider issues related to administration and resources.

Monitoring and national implementation

7. In the area of monitoring and national implementation, the Committee will:

(a) Prepare a review of the implementation of resolution 1540 (2004) before 31 December 2014, in line with the requirements of paragraph 9 of resolution 1977 (2011), and address all aspects of resolution 1540 (2004), in particular all aspects of its paragraphs 1 to 3, including developing and maintaining efforts to implement resolution 1540 (2004) in accordance with national legal authorities and legislation and consistent with international law, and with a view to including a brief update on the status of implementation of the tasks contained in the current programme of work and, as necessary, specific priorities for the next programme of work;

(b) With the objective of achieving universal reporting by the end of 2014, which marks the tenth anniversary of the adoption of resolution 1540 (2004), strengthen its efforts to encourage States that have not yet submitted their first report to do so;

(c) Encourage expansion of the network of points of contact for resolution 1540 (2004) and develop a strategy to make the best use of the network, including consideration of regional and geographic meetings;

(d) Review the matrices for all States Members of the United Nations by August 2014 to allow the information to be reflected in the annual review of implementation; update and maintain the matrices as "living documents" using incoming first reports and submissions of additional information from States, researching available websites of Governments and international, regional and subregional organizations and conducting dialogue with States (including during country visits conducted at the invitation of States) and participate in relevant outreach or implementation activities to gather relevant information on national implementation efforts; make the matrices available to States and encourage States to strengthen their efforts to regularly share with the Committee information that updates their efforts to implement resolution 1540 (2004);

(e) Continue to encourage States, in line with paragraphs 7 and 12 of resolution 1977 (2011), to identify and voluntarily report effective national practices

in implementing resolution 1540 (2004); identify, prepare and make available, as appropriate, a compilation of effective practices in accordance with paragraphs 7 and 12 of resolution 1977 (2011), in a searchable, accessible format so that the practices might be used in providing further general and specific guidance, upon request, to States seeking assistance in implementing the resolution;

(f) Encourage all States, under paragraph 8 of resolution 1977 (2011), to prepare on a voluntary basis national implementation action plans, as appropriate, mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004), and to submit those plans to the Committee;

(g) Continue to raise awareness about those multilateral treaties and conventions that aim to prevent the proliferation of, or to eliminate, nuclear, chemical and biological weapons, and in the context of paragraph 8 (a) of resolution 1540 (2004), to promote the universal adoption, the full implementation and, where necessary, the strengthening of multilateral treaties to which States are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(h) Continue its consideration of the obligations and requirements under resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011) to identify areas for further work by the Committee, and encourage implementation and review progress in such areas through active cooperation with relevant States, as well as with international, regional and subregional organizations.

Assistance

8. In the area of assistance, the Committee will:

(a) Continue to collect an up-to-date list of requests for or interest in assistance by States and offers of, interest in and programmes of assistance by States and international, regional and subregional organizations; create a public list of possible forms of assistance, including actual examples to illustrate methods of assistance; maintain a regularly updated database of requests for and offers of assistance and where they have been matched;

(b) Review requests, offers and related assistance programmes to develop more effective matching strategies;

(c) Further promote country-specific visits, at the invitation of States, to better understand the challenges of national implementation and help States to obtain assistance;

(d) With input from the Committee's working group on assistance and its working group on cooperation with international organizations, including the Security Council Committees established pursuant to resolutions 1267 (1999) and 1373 (2001), where appropriate, continue to organize and participate in outreach activities at the international, regional and subregional levels; be prepared to emphasize and engage in assistance programmes, promote the sharing of experience, lessons learned and effective practices and be ready to facilitate offers of or requests for assistance;

(e) Work with Member States and international, regional and subregional organizations to help them to make more effective offers of, or, in the case of States, more effective requests for, assistance;

(f) Consider regional approaches to assistance needs and efforts to meet them, including requests for assistance made through regional organizations or jointly by States members of customs unions, free trade zones or zones free of nuclear weapons or weapons of mass destruction, and prepare a report on those opportunities before the end of the thirteenth programme of work;

(g) Provide an update on the status of requests for assistance and offers made to the Committee on a regular basis, no less frequently than every quarter.

Cooperation with international organizations, including the Security Council Committees established pursuant to resolutions 1267 (1999) and 1373 (2001)

9. With respect to cooperation with international organizations, including the Security Council Committees established pursuant to resolutions 1267 (1999) and 1373 (2001), the Committee will:

(a) Continue to enhance its cooperation with international, regional and subregional organizations and develop ways of operating with those organizations on a case-by-case basis, reflecting the variation in each organization's capacity and mandate, including exchanges at the working level, briefings to and from the Committee and enhanced information-sharing arrangements;

(b) Establish a set of strategic goals and specific objectives for its work with the international, regional and subregional organizations with which it cooperates by the end of the thirteenth programme of work; this initial strategy should focus on the exchange of information on actions taken to foster the implementation of the resolution, points of contact and effective practices and assistance, against which the Committee can review its efforts in subsequent programmes of work;

(c) Under paragraph 18 of resolution 1977 (2011), continue to encourage international, regional and subregional organizations to designate and provide a point of contact or coordinator for the implementation of resolution 1540 (2004) and maintain up-to-date information on such contacts;

(d) Maintain dialogue and exchange information with designated points of contact or coordinators on issues related to their contributions to the implementation of resolution 1540 (2004);

(e) Where directly relevant to the goals of the Committee's programme of work, continue to participate in major events organized by international, regional and subregional organizations as an opportunity for dialogue with them and their points of contact or coordinators;

(f) Explore opportunities for synergies with the other related Committees and their experts and monitoring teams and, where appropriate, participate in joint visits and joint direct interactions with States;

(g) Continue to participate in the joint briefings of the Security Council;

(h) As appropriate, expand both formal and informal working relationships with international non-proliferation mechanisms, including zones free of nuclear weapons or weapons of mass destruction, work streams of the Nuclear Security Summit and other United Nations bodies and international, regional and subregional organizations, where applicable:

(i) To facilitate the sharing of information on effective practices and lessons learned, in addition to templates and guidance, including with a view to their incorporation into the compilation envisaged in subparagraph 7 (e);

(ii) To identify assistance requirements and programmes whereby its work with international, regional and subregional organizations can focus on facilitating the activities of those organizations aimed at remedying national implementation challenges, such as reconciling priorities, harmonizing approaches, facilitating advisory and drafting services and matching requests and offers of assistance, and to promote regional cooperation and communication on the implementation of the resolution;

(iii) To enhance information-sharing, technical assistance, the coordination of visits to countries within the respective mandates of the Committee and the Security Council Committees established pursuant to resolutions 1267 (1999) and 1373 (2001), and other relevant issues, as appropriate.

Transparency and media outreach

10. In the areas of transparency and media outreach, the Committee will:

(a) Increase interaction on a regular basis with all States Members of the United Nations, including, where appropriate, through open meetings, as noted in paragraph 20 of resolution 1977 (2011), and by regularly updating its website;

(b) With input from the working group on monitoring and national implementation, post updated matrices on the Committee's website, as appropriate;

(c) Publish on the Committee's website the calendar of outreach events and workshops conducted, sponsored or co-sponsored by the Committee or Member States, in addition to information notes on such activities, and update and maintain a list of frequently asked questions;

(d) Produce and update regularly, at least monthly, a calendar of outreach events and similar activities, covering periods of at least six months in the future, that includes information on other relevant activities of States, international, regional and subregional organizations, the Counter-Terrorism Committee, the Committee established pursuant to resolution 1267 (1999) and other United Nations bodies;

(e) Encourage States to promote dialogue and cooperation, including with civil society and academia, to address threats posed by illicit trafficking in nuclear, chemical or biological weapons and their means of delivery, and related materials;

(f) Encourage States to develop appropriate ways to work with and inform industry regarding its obligations under national laws in line with subparagraph 8 (d) of resolution 1540 (2004);

(g) Consider and seize opportunities, as appropriate, for direct interaction, with their States' consent, with relevant industries and industry groups, academia and civil society;

(h) Continue to increase efforts to raise awareness among parliamentarians and other high-level decision makers;

(i) In line with subparagraphs 5 (b) and 22 (d) of resolution 1977 (2011), consider ways to better utilize and maintain expertise, including, in particular, of former experts of the group, that could be made available for specific missions and assistance needs regarding the implementation of resolution 1540 (2004);

(j) Continue to brief the Security Council, Member States and international, regional and subregional organizations, formally and informally, about the work of the Committee and the obligations and requirements under resolution 1540 (2004);

(k) Promote the tenth anniversary of the adoption of resolution 1540 (2004), and make use of the anniversary to facilitate outreach efforts, in particular to non-reporting States.

III. Administration and resources

11. In its consideration of issues related to administration and resources, the Committee will:

(a) Encourage the Office for Disarmament Affairs to continue to strengthen its regional capacity to provide support for the implementation of the resolution;

(b) Continue to conduct regular meetings of the Committee and its working groups and, as necessary, additional meetings with relevant parties to further the mandate of resolution 1540 (2004), including meetings that might require participation from capitals on high-priority topics;

(c) Encourage States and international, regional and subregional organizations, as appropriate, to provide support for the work of the Committee and its programmes;

(d) Continue to encourage and take full advantage of voluntary financial contributions to assist States in identifying and addressing their needs for the implementation of resolution 1540 (2004) and, at the Committee's discretion, promote the efficient and effective use of the existing funding mechanisms within the United Nations system;

(e) Continue its efforts to ease the transition of new non-permanent members to the Committee, including by making relevant documentation available and providing appropriate briefings, and maintain the network of non-permanent members leaving the Committee to provide support for the implementation of the resolution;

(f) In all aspects of its work, consider what methodologies might be appropriate to produce quantitative measures of success within the terms of resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011), including examining options for technical support to allow better analysis of the data and facilitate reporting through an electronic search tool.

United Nations S/2014/370

Security Council

Distr.: General
27 May 2014
English
Original: French

Letter dated 23 May 2014 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you a letter dated 23 May 2014 from the Special Representative of the National Coalition of Syrian Revolution and Opposition Forces addressed to the Director-General of the Organization for the Prohibition of Chemical Weapons concerning new allegations of the use of chemical weapons in Kafr Zita and Al Tamanah on 22 May 2014 (see annex).

I should be grateful if you would have this letter and the attached letter from the Special Representative of the Syrian National Coalition circulated as a document of the Security Council.

(*Signed*) Alexis **Lamek**
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex to the letter dated 23 May 2014 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council

[Original: English]

On behalf of the people of Syria and the National Coalition of Syrian Revolution and Opposition Forces, I would like to draw your attention to three new chemical weapons attacks which took place yesterday in the towns of Kafr Zita and Al Tamanah and the urgent need for the Organization for the Prohibition of Chemical Weapons (OPCW) fact-finding mission to be dispatched to these locations.

On the morning and evening of Thursday, 22 May, Syrian regime aerial forces bombarded the towns of Kafr Zita and Al Tamanah with explosive barrels loaded with toxic chemical gases. Video footage of the incidents provides clear and conclusive evidence that these explosions produced thick yellow-coloured smoke, consistent with the deployment of chlorine gas. Victims at both scenes reported symptoms which included choking.

As you are aware, the use of chlorine gas as a weapon of war constitutes a war crime, as defined by the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed in Geneva on 17 June 1925, and to which Syria acceded on 22 November 1968. It also represents a direct violation of Security Council resolution 2118 (2013), in which Security Council members unanimously and explicitly prohibited the Syrian regime from further use of chemical weapons.

You recently reported to the OPCW Executive Council that the OPCW fact-finding mission on allegations of use of chlorine gas in Syria has begun to prepare for on-site activities in Syria. Given yesterday's revelations, it is vital that the mission verify the chlorine attacks of 22 May and act without delay to dispatch monitors to Kafr Zita and Al Tamanah. Immediate verification is needed to determine with certainty the veracity of these attacks.

It is also critical that the mission be empowered to determine the party responsible for ordering these illegal chemical assaults. OPCW must make clear that those responsible for chemical weapons attacks will be identified and ultimately be brought to justice for their atrocities. Anything less than a clear designation of responsibility by OPCW will allow such crimes to continue and risks setting a precedent for further chemical weapons attacks in Syria.

The Syrian Coalition and its partner, the Free Syrian Army, remain committed to cooperating fully with the OPCW mission. As always, we stand ready to assist OPCW monitors in gaining full and immediate access to Kafr Zita and Al Tamanah.

(*Signed*) Najib **Ghadbian**
Special Representative of the Syrian Coalition to the United Nations

United Nations S/2014/371

Security Council

Distr.: General
27 May 2014

Original: English

Letter dated 14 May 2014 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to transmit the attached letter, dated 9 May 2014, from Anders Fogh Rasmussen, Secretary-General of the North Atlantic Treaty Organization, conveying the quarterly report on the international security presence in Kosovo covering the period from 1 January to 31 March 2014 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

14-54108 (E) 290514

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Annex

Letter dated 9 May 2014 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In accordance with paragraph 20 of Security Council resolution 1244 (1999), I attach a report on the operations of the Kosovo Force covering the period from 1 January to 31 March 2014 (see enclosure). I would appreciate your making this report available to the members of the Security Council.

(*Signed*) Anders Fogh **Rasmussen**

Enclosure

Report to the United Nations on Kosovo Force operations

1. This report on the Kosovo Force (KFOR) is provided in accordance with Security Council resolution 1244 (1999) and covers the period from 1 January to 31 March 2014.

2. As at 31 March 2014, the total number of KFOR troops in theatre remained approximately 4,800.

3. Notable events during the reporting period included the integration of Serb security structures into the Kosovo Police, the mayoral re-election held in North Mitrovica on 23 February 2014 and the Serbian parliamentary elections held on 16 March 2014. In addition, the European Union formally opened accession talks with Serbia on 21 January 2014.

Security situation and operations

4. The security situation for this reporting period remained calm and stable south of the Ibar River and reasonably stable but fragile in the northern part of Kosovo. The implementation of the European Union-facilitated agreement of 19 April 2013 on the normalization of relations between Belgrade and Pristina continues to positively influence the overall security environment. As part of the comprehensive international effort, KFOR continues to provide a safe and secure environment and freedom of movement throughout Kosovo.

5. On 6 January 2014, the day before Serbian Orthodox Christmas, two buses carrying internally displaced Kosovo Serbs were stoned as they attempted to reach a Serbian Orthodox Church in Gjakovë/Djakovica. The incident did not result in any injuries, and four demonstrators were arrested. Dimitrije Janićijević, a Kosovo Serb member of the North Mitrovica municipal assembly, was assassinated on 16 January 2014. The arrest and detention on 27 January 2014 of Oliver Ivanović, a Kosovo Serb contender for the mayoralty of North Mitrovica, also raised tensions. One other notable incident was a prison break in Zubin Potok on 12 March 2014, which resulted in a Kosovo Serb escaping custody. However, apart from increased rhetoric, none of these incidents generated any unrest.

6. During the reporting period, three small-scale explosions (resulting in material damages only) and two shooting incidents were reported. The first shooting occurred on 21 March 2014 in the municipality of Peja/Peć, where two Kosovo Albanians were killed and six others injured in a drive-by attack. The second shooting took place on 31 March 2014 in the vicinity of DOG 31 and resulted in three Kosovo Border and Boundary Police patrol officers injured. Both shootings were likely linked to organized crime rather than ethnic motivations.

7. Several public protests also took place during the reporting period, mostly related to socioeconomic concerns. Kosovo Albanians peacefully demonstrated on 28 February 2014, opposing the resolution of the Dečani Monastery property dispute. Several hundred protesters gathered in Prizren on 19 March 2014, calling for the resignation of the city's mayor, who had been convicted of abuse of official authority and misuse of public funds six days earlier.

8. The refusal of North Mitrovica's mayor-elect to accept his mandate in accordance with the process required by Pristina resulted in a decision by Pristina's Central Elections Commission to hold repeated municipal elections in the city on 23 February 2014. On election day, KFOR (as third responder), in coordination with the European Union Rule of Law Mission in Kosovo (EULEX) and the Kosovo Police, stood ready to provide immediate intervention if required. The election passed peacefully, without any need for intervention by KFOR.

9. Serbian parliamentary elections were held on 16 March 2014. In Kosovo, the process was facilitated by the Organization for Security and Cooperation in Europe, in line with the European Union-facilitated agreement of 19 April 2013 on the normalization of relations between Belgrade and Pristina. KFOR supported the elections in a similar way as with the North Mitrovica revote: as third responder and in close coordination with all local and international security actors. KFOR also maintained full situational awareness in all municipalities south of the Ibar River through an established system of patrols and reaction forces. The vote took place without any security incidents, and no intervention by KFOR was required.

10. The integration of former Serbian Ministry of Interior Police officers into Kosovo Police structures was completed successfully on 14 February 2014. The process, which began in December 2013, resulted in 284 former Ministry officers commissioned as Kosovo Police officers and posted to duty stations in the four Serb-majority municipalities in the northern part of Kosovo. This process has increased the presence of the Kosovo Police, which now has approximately 400 officers in the northern part of Kosovo.

Summary

11. During the reporting period, KFOR, in its role as third responder, contributed to maintaining both a safe and secure environment and freedom of movement in close coordination with EULEX and the Kosovo Police. The close coordination on the ground between KFOR, EULEX and the Kosovo Police remains highly effective. Coordinated support for the recent elections demonstrated the ability of these three actors to monitor the security situation closely, maintain an appropriate deterrent posture and react quickly to incidents, as necessary.

United Nations A/68/889–S/2014/372

General Assembly
Security Council

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28 May 2014
English
Original: Arabic

General Assembly
Sixty-eighth session
Agenda item 110
Measures to eliminate international terrorism

Security Council
Sixty-ninth year

Identical letters dated 24 May 2014 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I wish to draw your attention to the following information:

I write further to my previous letters regarding the armed terrorist groups' premeditated and deliberate crimes against the Government and people of Syria. On 22 May 2014, the groups perpetrated another horrific atrocity against civilians in Dar'a city. They shelled a popular residential area of the city, which was crowded with civilians who had gathered to express loyalty to their homeland and reject terrorism. The attack killed 39 civilians, including women and children. Some 205 others were wounded, 14 of them seriously.

This appalling crime is one of a series of deliberate attacks against civilians carried out by armed terrorist groups with support from States in the region and outside it. The groups have directly targeted innocent civilians across the country on a daily basis by bombing and indiscriminately shelling homes, places of work and educational, medical and religious institutions. Their purpose is to intimidate civilians and prevent them from living a normal life.

The Government of the Syrian Arab Republic will continue to exercise its constitutional duty to protect its citizens from the crimes of armed terrorist groups. At the same time, it continues to strive earnestly to reach a political solution and national reconciliation through its national strategy to end the massacres and restore security and stability in Syria.

The Government of the Syrian Arab Republic wishes to draw your attention to the details of this latest atrocity, which is only one of many that have been perpetrated by armed terrorist groups in every governorate of Syria. In so doing, it wishes to remind those parties that hold forth about human rights, and the purported advocates of counter-terrorism, of their responsibility to put an end to their lethal or non-lethal support for the terrorist groups. That includes the support provided by

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such countries as France, Saudi Arabia, Turkey, the United Kingdom and the United States of America. Syria requests the Security Council to clearly and forcefully condemn these acts of terrorism and the conduct of those States which, in addition to covering for the terrorists in an abject manner, have in some cases formed open alliances with them in order to plan further crimes, as in the case of a recent draft Security Council resolution that was not adopted because it reeked of hypocrisy. By remaining silent and failing to condemn such acts of terrorism, the Security Council will encourage the terrorists and their State sponsors to continue their campaign of killing and destruction against Syria and its people. That course of action will entrench the Council's double standards on counter-terrorism and encourage the groups to propagate terrorism in other parts of the world.

I should be grateful if you would have the present letter issued as a document of the General Assembly, under agenda item 110, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations S/2014/373

Security Council

Distr.: General
26 June 2014

Original: English

Letter dated 26 June 2014 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit a letter dated 16 June 2014 from the Chair of the International Commission of Inquiry on the Central African Republic, Bernard Acho Muna, forwarding the preliminary report of the Commission in accordance with Security Council resolution 2127 (2013) (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

14-54182 (E) 090714

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Annex

I have the honour to transmit the final draft of the preliminary report of the International Commission of Inquiry on the Central African Republic in accordance with Security Council resolution 2127 (2013).

We regret that we had to ask for a delay in the publication of the report. We also count, however, on your comprehension of the fact that we clearly wish to submit a report that reflects the situation in the Central African Republic.

We remain at your disposal and that of the Security Council.

(*Signed*) Bernard Acho **Muna**
Chair

Preliminary report of the International Commission of Inquiry on the Central African Republic, submitted pursuant to Security Council resolution 2127 (2013)

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Summary

Owing to the deteriorating situation in the Central African Republic, the Security Council established an international commission of inquiry to investigate reports of violations of international humanitarian and international human rights law and abuses of human rights committed in that country by all parties since 1 January 2013, compile information, help identify the perpetrators of such violations and abuses, point to their possible criminal responsibility and help ensure that those responsible are held accountable.

In April and May 2014, the International Commission of Inquiry on the Central African Republic began carrying out its investigations. In Bangui, the Commission received first-hand testimony from interviews with victims, witnesses and individuals with relevant information. In total, the investigators carried out 309 interviews with witnesses who provided information of relevance to the Commission's mandate. Furthermore, the Commission received and reviewed case files from the national judicial and prosecuting authorities and from national and international non-governmental organizations. A total of 181 case files, including medical records, were provided to the Commission. The Commission also conducted site visits to specific locations in Bangui where incidents had occurred in order to corroborate information provided by witnesses.

The Commission, at this stage of its inquiry, concludes that there are reasonable grounds to believe that all parties to the conflict have, since 1 January 2013, perpetrated serious violations of international human rights and international humanitarian law and abuses of human rights. The international community cannot ignore the fact that the Muslim community and some ethnic groups are at risk. Currently, 700,000 people are either internally displaced or have taken refuge in neighbouring countries. This constitutes a considerable proportion of the 4.5 million inhabitants of the Central African Republic and places a heavy burden on its neighbours.

The Commission is concerned and calls on the National Transitional Government to take strong initiatives to foster the peaceful coexistence of communities and dialogue between Christian and Muslim communities and among politicians. The Commission recommends that the international community ensure a speedy and robust implementation of the multifaceted protection-of-civilians mandate of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and that it support the transition process, the preservation of territorial integrity of the Central African Republic, the delivery of humanitarian assistance, the promotion and protection of human rights, national and international justice and the rule of law, disarmament, demobilization and reintegration, and repatriation.

I. Introduction

1. The present preliminary report is submitted pursuant to paragraph 25 of Security Council resolution 2127 (2013), by which the Council requested the Secretary-General to report to it on the findings of the International Commission of Inquiry on the Central African Republic six months and one year after the adoption of that resolution. The report is based on the outcome of the investigations, analyses and findings of the Commission covering the period from the end of March to mid-May 2014.

A. Mandate and methods of work

2. The Security Council, acting under Chapter VII of the Charter of the United Nations, requested the Secretary-General, in paragraph 24 of its resolution 2127 (2013) of 5 December 2013, to rapidly establish an international commission of inquiry to investigate reports of violations of international humanitarian law, international human rights law and abuses of human rights in the Central African Republic by all parties since 1 January 2013, compile information, help identify the perpetrators of such violations and abuses, point to their possible criminal responsibility and help ensure that those responsible are held accountable. In that same paragraph, the Council called upon all parties to cooperate fully with such a commission.

3. In compliance with Security Council resolution 2127 (2013), in January 2014 the Secretary-General appointed three high-level experts members of the International Commission of Inquiry on the Central African Republic: Jorge Castañeda (Mexico), Fatimata M'Baye (Mauritania) and Bernard Acho Muna (Cameroon). Mr. Muna was appointed Chair of the Commission.

4. In view of the prevailing conditions in the Central African Republic, the Secretary-General decided that the Commission should be located in Bangui.

5. As is usual practice, the Secretary-General requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to provide technical support to the Commission through the establishment of a secretariat composed of individuals with various skills and expertise in international human rights law and international humanitarian law who would act under the responsibility of a coordinator. This arrangement has allowed the Commission to benefit from the work already carried out by OHCHR human rights monitors, special rapporteurs of the Human Rights Council and other competent bodies.

6. In view of the urgency of the situation on the ground, the Chair of the Commission visited Bangui from 26 February to 1 March 2014. During that brief visit, he met with the President of the National Transitional Government, who was accompanied by the Minister of Justice and three advisers. He also met with the Minister for Foreign Affairs of the Central African Republic, the Ambassador of France, the Commander of the French forces (Operation Sangaris), the Special Representative of the Chairperson of the African Union Commission, the Commander of the African-led International Support Mission in the Central African Republic (MISCA) forces, the Representative of the European Union, the Chargé d'affaires of the Embassy of Cameroon and the Council of Religious Leaders. In

addition, the Chair met with officials of OHCHR, representatives of local non-governmental organizations and other individuals.

7. The members of the Commission and the Coordinator of the secretariat met for the first time in Geneva on 5 March 2014. During the following five days, they met with the United Nations High Commissioner for Human Rights and senior OHCHR staff, who briefed them on all the arrangements that had been put into place to enable them to execute their mission successfully. They also met with the Representative of the Central African Republic to the United Nations Office at Geneva and the Minister of Justice of the Central African Republic, who was in Geneva at the time. In addition, they were received by the representatives of the European Union in Geneva.

8. The members of the Commission arrived in Bangui on 11 March 2014 and were received by the Special Representative of the Secretary-General in the Central African Republic. For personal reasons, Mr. Castañeda had to return to his home country and did not take part in the investigation or in the drafting of the present report. On 12 March 2014, the two remaining members of the Commission started their work, with the support of its secretariat, which was gradually deployed to the Central African Republic starting on 8 March 2014; the last investigator arrived in Bangui on 1 April 2014. During that period, rules of procedure and an investigation plan for the Commission were developed and adopted.

9. The Commission consulted with staff of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), formerly of the United Nations Integrated Peacebuilding Office in the Central African Republic. On 13 March 2014, they were received by the Prime Minister and two of his advisers. The Commission also met with the Special Representative of the Chairperson of the African Union Commission in Bangui, the Head and the Military Commander of MISCA and the commanding officer of Operation Sangaris. Meetings also took place with the Representative of the European Union and the Ambassador of France. The Commission held meetings with representatives of local non-governmental organizations and professional associations, including the Bar Association and the Association of Magistrates.

10. In view of the time frame that the Security Council gave to the Commission to carry out its investigations and because of the limited resources available to the Commission, it was necessary to prioritize the incidents and sites to be investigated. Accordingly, the Commission identified numerous incidents that illustrate and are part of the main patterns that depict the overall nature of the violations committed by the armed forces or by armed groups during the reporting period. The fact that certain types of violations or specific incidents are not mentioned in the present report should not be interpreted as indicating that they are not serious enough or that they are irrelevant to the work of the Commission.

11. Once the Commission became fully operational, investigators started conducting meetings with different stakeholders. Open-source material was gathered and analysed. Documentation provided by the United Nations, the Government of the Central African Republic, local authorities, local and international non-governmental organizations and leaders of the Muslim and Christian communities containing allegations of violations of international human rights law and international humanitarian law were reviewed. The Commission established contacts with the international media and its Chair held press briefings in Geneva and Bangui when

he deemed it necessary to do so. The establishment of the Commission in the Central African Republic has drawn considerable attention from international and local media outlets, which have been very active in covering and reporting on incidents and developments in the Central African Republic.

12. For the purpose of the preliminary report, the Commission took into consideration the logistical constraints and critical security concerns, which did not enable a full deployment of its investigators throughout the Central African Republic. It decided, therefore, to focus its initial two-month phase of investigations on Bangui. This preliminary report contains analyses and findings from this phase. The Commission expects to expand its investigations during the next phase, to cover other critical incidents committed all over the territory of the Central African Republic.

13. The Commission carried out its investigations from 1 April to 15 May 2014. In Bangui, the Commission carried out interviews with victims, witnesses and individuals, who provided relevant information through first-hand testimonies. In total, the investigators carried out 309 interviews with witnesses who provided information relevant to the Commission's mandate. The overwhelming majority of those witnesses did not object to the Commission sharing accounts of their experiences with national and international judicial and prosecuting authorities. The interviews were conducted at the offices of MINUSCA, the premises of local non-governmental organizations, local mosques, town halls and hospitals in Bangui.

14. The Commission received and reviewed case files from the national judicial and prosecuting authorities and national and international non-governmental organizations. A total of 181 case files, including medical records, were provided to the Commission. The Commission also conducted site visits to specific locations in Bangui where incidents had occurred in order to corroborate information provided by witnesses.

15. The Commission obtained testimonies from witnesses and gathered data from reliable sources concerning the death toll. The information indicates that mass killings were committed in Bangui during the period under investigation.

16. From the outset, the Commission decided to treat all information collected as confidential and to protect the particulars, the safety and the privacy of all the victims, witnesses and other sources who requested that their identity and particulars not be disclosed. Only those sources who have not objected will be named explicitly. Although the Commission received a large volume of reports, documents, photographs and videotaped materials from individuals, non-governmental organizations, international and national judicial and prosecuting authorities, and medical and health institutions, it was not able to ascertain the authenticity of some of those materials owing to time constraints and the lack of appropriate technical tools. The preponderance of some of these materials and the fact that they were collected from reliable sources provide them with a degree of credibility, corroborating information obtained from some witnesses, and attest to the occurrence of violations of international human rights law and international humanitarian law in Bangui.

17. Consistent with the practice of other United Nations fact-finding bodies, the Commission based its findings on a "reasonable grounds to believe" standard of proof. In other words, there are reasonable grounds to believe that an incident or a pattern of behaviour occurred if the Commission obtained a reliable body of

information, consistent with other information, indicating such occurrence. This standard of proof is sufficiently high to call for further investigations to be carried out into an incident or pattern of violations of international humanitarian and human rights law or human rights abuses. The same standard of proof will be used to help identify perpetrators of violations and abuses.

18. The Commission, having reviewed allegations made in relation to the violations covered under its mandate and having conducted analyses of issues raised, has determined that the violations set out below are the most frequently committed by the parties involved in the conflict.

19. The violations of international human rights law and abuses of human rights committed most frequently are: (a) extrajudicial executions; (b) enforced and involuntary disappearances; (c) torture and other cruel and degrading treatment or punishment; (d) arbitrary arrest and detention; and (e) violations of the rights to freedom of expression and movement.

20. The violations of international humanitarian law and international criminal law committed most frequently are: (a) the killing of members of a group with intent to destroy, in whole or in part, an ethnic or religious group; (b) serious bodily or mental harm; (c) deliberate infliction on a group of conditions of life calculated to bring about its physical destruction, in whole or in part; (d) direct and public incitement to commit genocide; (e) widespread or systematic attacks against a specific civilian population on political, ethnic and religious grounds; (f) murder, torture, rape and any other form of sexual violence; (g) enforced disappearance of persons; (h) conscription or enlistment of children under 15 years of age; (i) violence to life, health and physical or mental well-being of persons, in particular murder, as well as cruel treatment such as torture, mutilation or any form of corporal punishment; (j) collective punishment; and (k) pillage.

21. Because the Security Council instructed the Commission to help identify the perpetrators and point to their possible criminal responsibility, the Commission is committed to also focusing its efforts on identifying the political and military leaders who could be held criminally responsible before a court of law.

B. Challenges faced by the Commission

22. The Commission faced tremendous challenges in carrying out its work against very tight deadlines and in a difficult security environment. The Commission had to cancel planned visits to the field owing to logistical and security considerations, which also delayed the deployment of its investigators to the field until April 2014.

23. The complexity of the situation on the ground, coupled with the size of the country, made it a daunting challenge for the Commission's only five investigators to cover the whole territory where incidents were reported. Moreover, the fact that the Commission does not have a chief of investigation or a legal adviser was and still is a source of anxiety that requires attention if the Commission is to receive the support it needs to effectively discharge its responsibility in terms of covering the whole territory within the time frame set out in its mandate.

24. Another critical challenge lay in the displacement of many victims and witnesses inside and outside the Central African Republic, which made it difficult

for the Commission to meet with some witnesses to collect or corroborate information obtained from open sources or provided by other witnesses.

25. Another significant challenge was the broad scope of the mandate of the Commission and the need to conduct investigations with limited resources in less than two months, before having to submit a preliminary report in June 2014. This put added pressure on the members of the Commission and the staff of its secretariat.

C. Cooperation and acknowledgements

26. The Commission enjoyed excellent working relations with most of the stakeholders and interlocutors in the Central African Republic, notably the national transitional authorities, national and international non-governmental organizations and United Nations agencies. The Commission benefitted immensely from the cooperation provided by MINUSCA, mostly in terms of diplomatic, administrative and logistical assistance.

27. OHCHR was of great assistance in the establishment of the Commission and its secretariat and continues to provide support.

28. The Commission has also enjoyed the full support of the Office of the Prosecutor of the International Criminal Court, which has opened a preliminary examination in order to ascertain whether the criteria of the Rome Statue for opening an investigation into the alleged crimes committed in the Central African Republic, which fall within the jurisdiction of the Court, have been met. On 1 April 2014, the Commission sent a request to the Prosecutor to facilitate access to open-source material gathered by the Office of the Prosecutor; a broad selection of open-source material was subsequently provided to the Commission.

29. On 10 April 2014, the Special Representative of the Chairperson of the African Union Commission and Head of MISCA sent correspondence to the Commission of Inquiry to confirm the willingness of MISCA to cooperate fully in investigations through assistance provided by the Human Rights, Protection of Civilians and Gender Unit of MISCA. On 11 April 2014, the Commission acknowledged receipt of the correspondence and expressed appreciation for the offer of cooperation. On 14 April 2014, members of the secretariat of the Commission met with the Head of MISCA and his team to discuss and agree on a cooperation framework. The Commission has already transmitted a request for information to MISCA.

30. Through letters dated 24 April and 5 May 2014, the Commission sought the cooperation of Operation Sangaris. In particular, it requested information concerning specific incidents that had occurred in Bangui. On 12 May 2014, the Commission received a response from the Force Commander of Operation Sangaris advising it to submit its request through the most appropriate diplomatic channel.

31. Notes verbales were sent in May 2014 to Governments and to offices of the United Nations Development Programme in the Congo, Gabon, Equatorial Guinea, Cameroon and Chad, to facilitate the holding of consultative meetings of the members of the Commission with national officials and United Nations agencies.

II. Overview of the Central African Republic

A. Background

32. The Central African Republic, a former French colony, is a nation with a land mass of 622,984 km^2 (as the size of France and Belgium combined) and a population of just over 4.5 million inhabitants. It was granted political independence from France on 13 August 1960. It is bordered to the north by Chad and the Sudan, to the north-east by South Sudan, to the south by the Democratic Republic of the Congo and the Congo and to the west by Cameroon.

33. It is impossible to understand the current situation in the Central African Republic without considering the political evolution of the nation since it gained independence from France in 1960. The people of the Central African Republic have, for over five decades of political independence, been subjected to changes in government brought about, for the most part, by coup d'état. Along with these violent changes came corruption, non-respect of human rights, repression of free political expression, nepotism, lack of development and an almost total ambivalence to the needs of the population. Corruption became endemic, as the only goal of successive corrupt governments was the personal enrichment of the political leaders and members of their families through the embezzlement of public funds, the looting of public corporations, and the illegal exploitation of gold and diamond mines by criminal organizations and corrupt political leaders, while the bulk of the population lived in abject poverty and misery. Apart from the elections that brought to power the first President of the Central African Republic, David Dacko, in 1960, changes of government have taken place by violent coup d'état. The first coup, in 1965, was conducted by General Jean-Bédel Bokassa, who ousted Mr. Dacko, took power and later proclaimed himself emperor. His regime lasted until 1979, when Mr. Bokassa was deposed by the former President, Mr. Dacko. General André-Dieudonné Kolingba ousted Mr. Dacko in 1981 and remained in power until 1993, when Ange-Félix Patassé became the first elected President since independence. After many failed attempts over the years, General François Bozizé finally ousted Mr. Patassé in 2003 and took over as President. On 24 March 2013, Michel Djotodia ousted Mr. Bozizé through a coup d'état and proclaimed himself President.

34. On 27 January 2014, a Government of transition was put in place in the Central African Republic to govern the country for 18 months. During that time, it is expected that the Constitution will be amended and that local, legislative and presidential elections will be held. The current Government bears responsibility for what is happening in the country it governs and has authority over it.

B. Absence of rule of law, administration of justice and complete breakdown in law and order

35. The country presently lacks the administrative structures through which the authority of the State is exercised and, above all, it is a State without functioning criminal investigation, prosecution and judicial institutions.

36. Since independence in 1960, after each coup d'état, attempts were made and meetings were held to bring about national reconciliation. These efforts, however, were usually attempts to reconcile politicians and political formations and had

nothing to do with the people of the Central African Republic, many of whom had suffered during the violence that accompanied the coup d'état. These acts of political reconciliation were followed by amnesty laws that protected the main participants in the coup d'état from prosecution. All this allowed political leaders with blood on their hands to sit in the presidential office or become cabinet ministers, members of parliament or municipal counsellors. Over half a century, impunity became part of the political system in the Central African Republic.

37. After Mr. Bozizé took power by military coup in 2003, he came under pressure from the people of the Central African Republic and from the Economic Community of Central African States (ECCAS) to organize elections, which he eventually did in 2005. The elections were considered by other political parties as fraudulent. Those parties arranged violent protests all over the country and, between 2006 and 2011, various attempts were made to overthrow President Bozizé. As a result, various rebel groups came into existence during this period, the principal ones being the Armée populaire pour la restauration de la république et de la démocratie, the Union des forces démocratiques pour le rassemblement, led by Michel Djotodia, and the Front démocratique du peuple centrafricain.

38. In an attempt to work out a compromise and bring peace to the Central African Republic, ECCAS held many peace conferences between the belligerent parties, mainly in Libreville, between 2008 and 2011. Although these conferences produced agreements, none of them were ever implemented because of the intransigence of Mr. Bozizé. The fact that the 2011 elections were finally held without any of the various agreements concluded between 2006 and 2011 having been implemented aggravated the situation. The leaders of the armed groups and opposition parties accused the Bozizé regime of having won the elections through the implementation of massive fraud and irregularities, and led some armed groups and opposition parties to boycott the elections and to regroup in the north-eastern part of the country to prepare for an armed rebellion. The new grouping included elements of the Union des forces démocratiques pour le rassemblement and was joined by other movements, such as the Convention patriotique du salut du Kodro, the Convention des patriotes pour la justice et la paix and the Union des forces républicaines. In late 2012, these elements formed a loose alliance called "Séléka", which in the Sango language means "coalition".

39. In the face of this new danger and the fact that the north-eastern towns of Ndélé, Ouadda and Sam Ouandja were already under the occupation of the Séléka by December 2012, peace talks were once again hurriedly arranged in Libreville, to try to ensure the implementation of the fragile accords of 2007, 2008 and 2011 and to bring peace to the beleaguered nation. In spite of past failures, all the parties showed up in Libreville and, on 11 January 2013, they signed the Libreville Agreement on Resolving the Political and Security Crisis in the Central African Republic. It was already too late, however, and the Séléka continued their march on Bangui. Mr. Bozizé was forced out and power fell into the hands of the Séléka under the leadership of Mr. Djotodia. The departure of Mr. Bozizé was applauded by a large majority of the population in Bangui, who came out in big numbers to welcome their new hero, Michel Djotodia. Video clips of the first days of that new government show Mr. Djotodia moving freely in large crowds of cheering young men and women. That enthusiasm was short-lived, however, as Séléka elements started looting, killing and destroying property in the capital. Mr. Djotodia's inability to control his men, combined with the anti-balaka insurrection led to his

resignation on 10 January 2014, during the ECCAS extraordinary summit in N'Djamena.

III. The conflict

A. Nature of the conflict

40. The present conflict in the Central African Republic is rooted in the struggle to overthrow Mr. Bozizé shortly after he took power by force of arms in 2003. That struggle for political power lasted almost eight years. Mr. Bozizé remained in power mainly because he was generally supported by States members of ECCAS, who were opposed to another coup d'état after Mr. Bozizé was elected in June 2005.

41. The wanton violence committed by Séléka forces during their descent on Bangui from their stronghold in the north and north-east and the looting, destruction and killings carried out by those unruly armed forces, especially after they took power, quickly made the Djotodia regime very unpopular. Other forces and armed militia led by the remnants of the Central African armed forces and self-defence groups known as anti-balaka reorganized themselves to confront the Séléka, which they saw as a threat to their lives and property. The situation quickly degenerated into attacks carried out in retaliation and for vengeance by both sides. Today, the Séléka is a well-organized force with a command structure and a political and military hierarchy. The anti-balaka, on the other hand, do not seem to have an established and credible command structure, nor a political hierarchy. They tend to operate in autonomous armed groups with control over specific territories. In many communities, the anti-balaka have been acting in common cause with some elements of the armed forces.

B. Non-State armed groups and national armed forces

42. There are three main armed actors operating in the Central African Republic. The first of these are the members of the Séléka, a coalition of Central African armed groups and foreign fighters, predominantly of Muslim faith and most of whom were allegedly recruited from Chad and Darfur (the Sudan), who marched into Bangui and took power on 24 March 2013. When these forces set out from Ndélé and the neighbouring regions, there were about 1,600 fighters, but by the time they arrived at Damara, there were more than 3,500 heavily armed fighters. By the time Mr. Djotodia signed a presidential decree to dissolve the Séléka on 13 September 2013, there were over 3,500 armed fighters in Bangui operating under the Séléka banner. Despite the decree, the Séléka continue to operate.

43. The second group are the anti-balaka, whose name comes from the French words "*anti-balles AK-47*". In fact, the members of the anti-balaka, who are armed mainly with spears, machetes, bows and arrows, believed that the amulets and other supposedly magical artefacts that they wore would protect them from the bullets of AK-47s. As a matter of fact, it has been well documented that some of the groups known today to belong to the anti-balaka existed years before their attacks on the Muslim population made them notorious. They were independent groups, mostly composed of young men, that were formed for self-defence, to protect Fulani cattle raisers, peasant farmers and merchants in their villages and communities from cattle

rustlers and highway robbers often armed with AK-47s. Today, the anti-balaka are better organized than in the past and many of them are armed with AK-47 rifles.

44. The third group in the present conflict is composed of the armed forces of the Central African Republic, or what remains of them. During the last years of the Bozizé regime, the armed forces were already a divided and splintered army. Most of the men and women who constituted the armed forces during Mr. Bozizé's rule had mutinied or were in open rebellion against him. Confronted by the Séléka forces marching on Bangui, most of these troops abandoned their weapons and posts and fled to their villages or friendly communities. Some have now regrouped, either under the anti-balaka banner or as independent supporters of Mr. Bozizé.

C. March into Bangui by the Séléka

45. The march by the Séléka into Bangui happened in stages and was punctuated by attempts by the members of ECCAS to find a peaceful solution to the conflict. By 29 December 2012, the Séléka had total control of the following regions: Vakaga, Bamingui-Bangoran, Haute-Kotto, Ouaka, Nana Grébizi and Kémo-Gribingui. Although they had also taken the region of Ouham, on 10 December 2012 they withdrew to Sibut, the capital of Kémo-Gribingui. In every region over which they took control, they drove out the official administration and exercised de facto political power.

46. The regions under Séléka control by December 2012 represent almost half of the country. It is from this vantage position that the Séléka, led by Mr. Djotodia, attended talks in Libreville, where an agreement was signed on 11 January 2013. That last-minute attempt to bring peace did not stop the Séléka from marching into Bangui and taking power on 24 March 2013.

47. At that juncture, the majority of the population of Bangui that was dissatisfied with Mr. Bozizé and his government were quite prepared to welcome another coup d'état and rid themselves of another president who had overstayed his welcome. When Mr. Djotodia entered Bangui, which had already been taken over by the Séléka, there was great jubilation by both Muslims and Christians. Unfortunately, that jubilation was short-lived.

D. Other countries

48. It is not possible to understand the violence that has gripped the Central African Republic without examining the role that other countries in the subregion and elsewhere in Africa have allegedly played in the bloody drama that is still going on in the country. The Commission has received information that South African troops were allegedly involved at some point in the battle of March 2013. The Commission has not yet been able to investigate those allegations but will certainly do so in the second phase of its inquiry.

IV. International intervention

49. Because of the chaotic situation caused by the violent events that unfolded in the Central African Republic and the influx of refugees into neighbouring countries,

the States members of ECCAS greatly feared that the violence could spill beyond national borders. The departure of the President of the National Transitional Council, Mr. Djotodia, and the turmoil that he left behind were signals that something had to be done fast to contain the spreading violence caused first by Séléka forces and then by the response of the anti-balaka. In December 2013, France urgently put together an intervention force of 2,000 soldiers, Operation Sangaris, and dispatched them to the Central African Republic. This was followed by the transformation of the Central Africa Multinational Force, which was already on the ground in the Central African Republic, into MISCA, a much stronger African Union peacekeeping operation.

50. Operation Sangaris arrived in Bangui at the request of the National Transitional Government to ensure security and safety for the people of the Central African Republic, a task that was later taken over by MISCA. Operation Sangaris forces remain in Bangui ready to support MISCA in case of an armed aggression or attack. There have been some allegations of misconduct against Operation Sangaris. The Commission will be looking into all allegations against the international forces.

V. Applicable international legal framework

A. Qualification of the conflict as a non-international armed conflict

51. The Geneva Conventions of 1949 and their optional protocols regulate, among other things, the conduct of parties in non-international armed conflicts, which are usually defined as armed conflicts between governmental forces and non-governmental armed groups or among non-governmental armed groups only. While common article 3 of the Geneva Conventions applies in all such conflicts, the applicability of the second additional protocol, relating to the protection of victims of non-international armed conflicts, depends on the circumstances.

52. The Commission is of the view that there has been a non-international armed conflict since at least 1 January 2013. In response to acts perpetrated during that period by the Séléka against Christian civilians, local self-defence groups began reprisal attacks on the Séléka and the Muslim community. Soldiers of the armed forces and the Presidential Guards loyal to Mr. Bozizé reportedly organized, armed and joined the self-defence groups, which later became known as the anti-balaka. For instance, on 5 December 2013, the anti-balaka launched attacks against the Séléka in Bangui. That attack prompted a series of reprisal attacks by the Séléka and the anti-balaka that resulted in violence between Muslim and Christian civilians in the capital and in other regions of the country. It is estimated that some 1,000 people were killed in Bangui as a result of the attacks on 5 and 6 December 2013.

B. Applicable law

53. The situation in the Central African Republic from 1 January 2013 to the present day calls for the application of international human rights law, international humanitarian law and international criminal law.

International human rights law

54. The Central African Republic is party to numerous international human rights law treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the International Covenant on Civil and Political Rights[3] and the Convention on the Elimination of All Forms of Discrimination against Women.[4]

55. The Central African Republic is also party to some human rights treaties of the African Union, such as the African Charter on Human and Peoples' Rights[5] and the Convention Governing the Specific Aspects of Refugee Problems in Africa.[6]

56. The Central African Republic is responsible for complying with its international obligations, which consist of respecting, protecting and fulfilling the human rights contained in the above-mentioned international human rights instruments. Furthermore, the Central African Republic is also obligated to abide by international customary law and jus cogens norms protecting human rights.

57. The derogations envisaged in certain human rights treaties are permissible only in exceptional circumstances. The Central African Republic has never informed the Secretary-General of any state of emergency that would exempt it from its obligations under the International Covenant on Civil and Political Rights. Moreover, the following rights, among others, are non-derogable: the right to life, the right to be free from torture and other cruel, inhuman or degrading punishment and the right to freedom of thought, conscience and religion. The Commission also recalls that, pursuant to article 2 (2) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

58. International human rights law applies both in times of peace and in situations of armed conflict. As such, the Commission concluded that international human rights law applies in the Central African Republic throughout the period from 1 January 2013 to the present day.

International humanitarian law

59. The Central African Republic is party to the four Geneva Conventions of 1949 and their additional protocols. As indicated above, there has been a non-international armed conflict in the Central African Republic since at least 1 January 2013. Therefore, the provisions of common article 3 of the Geneva Conventions apply. The threshold required for the application of the second additional protocol has also been met.

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[1] Ratified by the Central African Republic on 16 March 1971.
[2] Acceded to by the Central African Republic on 8 May 1981.
[3] Acceded to by the Central African Republic on 8 May 1981.
[4] Acceded to by the Central African Republic on 21 June 1991.
[5] Ratified by the Central African Republic on 26 April 1986.
[6] Ratified by the Central African Republic on 23 July 1970.

International criminal law

60. The Central African Republic ratified the Rome Statute of the International Criminal Court on 3 October 2001. Many of the violations, abuses and crimes investigated by the Commission, such as the attacks against civilians perpetrated by Séléka elements since they entered Bangui in March 2013 and by anti-balaka elements since September 2013, including killings, torture, looting and rapes, constitute crimes that fall under the jurisdiction of the Rome Statute.

61. In order to prosecute and punish acts committed during recent conflicts, including war crimes, measures have been taken at the international level, for example through the establishment by the Security Council of ad hoc international criminal tribunals (the former Yugoslavia and Rwanda), courts (Sierra Leone and Lebanon) and extraordinary chambers (Cambodia and Timor-Leste). These entities have developed a strong and reliable body of jurisprudence that would guide any future prosecution of perpetrators of the violations committed in the Central African Republic.

VI. Violations and abuses

A. Alleged violations of international human rights and international humanitarian law by the armed forces and the Presidential Guards

62. During the period from 1 January to 24 March 2013, it was alleged that, when Mr. Bozizé was struggling to hold on to power, many human rights and international humanitarian law violations and abuses were committed in Bangui. The Commission received several reports and individual testimonies from former and current officials claiming that the armed forces and the Presidential Guards had perpetrated serious human rights and international humanitarian law violations.

63. According to a report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Central African Republic, several human rights violations were allegedly committed by former governmental forces, notably by the Presidential Guards and the armed forces, as well as by a militia group known as the Young Patriots (see A/HRC/24/59, paras. 27-34). Those violations included extrajudicial executions (January-February 2013), enforced and involuntary disappearances (January-March 2013), torture, ill-treatment, arbitrary arrest and detention (until the fall of Mr. Bozizé), looting of public and private property and violations of the rights to freedom of expression and movement. Most of the victims of the violations were considered to be supporters or sympathizers of the Séléka.

64. That period was allegedly marked by serious violations of international humanitarian law by the armed forces, the Presidential Guards and the Young Patriots. All the above-mentioned allegations and information contained in various reports relating to violations of international human rights and international humanitarian law by the armed forces and the Presidential Guard, in particular the attack on Damara on 22 and 23 March 2013, on Bossangoa on 22 March 2013 and on Boali on 23 March 2013, will be investigated during the second phase of the Commission's inquiry.

B. Alleged violations of international human rights and international humanitarian law by the Séléka

65. From 1 January to 24 March 2013, Mr. Bozizé was still in power and the Séléka were gradually marching from the north of the country towards Bangui. During that period, both the armed forces and the Séléka allegedly committed numerous human rights and international humanitarian law violations.

66. Also during that period, the armed forces and the Séléka were reportedly involved in summary extrajudicial killings, arbitrary arrests and detentions, forced disappearances, the torture and inhuman and degrading treatment of detainees, the destruction of property and other violations in various areas of the country (see A/HRC/24/59, paras. 35-50).

67. The Commission will commence investigations into the violations and abuses committed from 1 January to 23 March 2013 in the areas outside Bangui during the coming months.

68. The testimonies received by the Commission to date deal with human rights and international humanitarian violations that occurred from 25 March 2013 to the present. The violations committed by the Séléka during that period fall under the following categories: (a) violations of the right to property (pillage and destruction); (b) extrajudicial executions, killings and assassinations; and (c) sexual and gender-based violence.

Violations of the right to property (pillage and destruction)

69. Testimonial and documentary evidence received by the Commission shows that widespread and systematic looting and destruction occurred after Mr. Djotodia and the Séléka forces took over Bangui in March 2013.

70. The Commission has collected case files on looting from national non-governmental organizations and conducted 103 interviews with victims and witnesses of those violations. While additional information continues to be collected and analysed, the interviews conducted to date provide strong indications that the Séléka are responsible for systematic looting against the civilian population in Bangui.

71. Most of the cases reviewed to date have provided the Commission with reasonable grounds to believe that the Séléka looted using an established modus operandi. That modus operandi, which was confirmed by numerous witnesses, consisted of large numbers of Séléka elements arriving in an area with many cars and shooting in the air in order to intimidate the population before starting the looting, moving from door to door. The Séléka also broke doors and windows to enter closed houses and proceeded to loot all the belongings while intimidating the occupants and neighbours. In many cases, the Séléka members targeted and killed the male population.

72. Numerous witnesses confirmed that most of the Séléka members spoke no French or Sango, only Arabic. Members of the Séléka who looted were usually dressed in military attire and often wore turbans that covered their faces.

73. It was reported that when the Séléka members arrived in a particular area the male population had to flee to avoid being targeted and killed. Women and girls who did not flee were sometimes raped during the looting.[7]

74. The cases of looting reviewed to date, which inform the description provided above, took place during the period from March to December 2013. The Commission does not have an exhaustive list of all the incidents of looting that occurred in Bangui, as it was impossible to document all such cases. The incidents it did review are, however, illustrative of a sustained pattern of lootings and of the modus operandi used by the Séléka, giving the Commission grounds to believe that such incidents were rather widespread and carried out in a systematic manner.

75. Based on the testimonies gathered, the Commission has reasonable grounds to believe that the lootings committed by Séléka elements during the period from 5 September to the end of December 2013 constitute violations of human rights.

76. In addition, the Commission considers that, during the period from 24 March to 5 September 2013, acts of looting perpetrated by Séléka elements could also constitute human rights violations under article 11 of the International Covenant on Economic, Social and Cultural Rights.

Extrajudicial executions, killings and assassinations

Indiscriminate and targeted killing of civilians

77. The Commission has received testimonies that indicate that Séléka forces were involved in the killing of civilians and in what appear to be the targeted killing of persons mistakenly thought of as members of the armed forces or law enforcement agencies.

78. With regard to the killing of civilians, witness testimonies indicate that the Séléka were involved in the indiscriminate killing of civilians who were engaging in everyday activities, such as walking in the streets or shopping at markets.[8] In addition, a number of civilians — mostly men — were killed when the Séléka entered their houses for the purpose of looting.[9]

79. The Commission notes that the Séléka instilled a sense of terror in civilians, who felt threatened and prevented from engaging in routine activities. People in Bangui did not even feel secure in their houses or places of refuge owing to the continued attacks by the Séléka.[10]

[7] Interviews with P. K. and A. G., who were raped on 20 August 2013 at the Boy-Rabé district in Bangui when four Séléka members came and looted their house.

[8] Cases of K. V. O., a 16-year-old girl who was killed by the Séléka on 5 June 2013 while walking in the Miskine area of Bangui; Z. T. N., a 19-year-old woman who was killed while on her way to the market with her baby; and N. L., who was killed by a car driven by a Séléka element on 12 April 2013 while walking along Avenue B. Boganda in the centre of Bangui.

[9] Testimonies of A. P., whose father and aunt were killed by Séléka elements who came to loot their house in the fourth district of Bangui on 14 August 2013; and of Y. M. J., whose husband was killed when Séléka members came to loot her house in the second district of Bangui on 12 May 2013.

[10] Testimony of N. S., whose wife and two children were killed by the Séléka on 8 December 2013 in a church where they had gone to seek shelter.

Mass executions and mass graves

80. The Commission collected a specific case file from the national judicial and prosecuting authorities, as well as direct testimonies and photographs, related to a site of mass executions that was discovered at the *Colline des Panthères*, an area of Bangui. It is suspected that other mass graves in Bangui remain to be discovered.

81. The *Colline des Panthères* is a forested hill in the first district of Bangui, in close proximity to Camp de Roux, a military camp. On 24 December 2013, 31 bodies were discovered there by the national authorities.

82. The Commission reviewed the case file and conducted interviews with two survivors. Its investigators visited the site of the incident. Based on the information gathered, it appears that Séléka soldiers arbitrarily detained numerous persons considered to be anti-balaka elements at Camp de Roux. The Séléka troops allegedly tortured, mutilated and summarily executed at least 31 of them and threw their bodies into a ditch at the *Colline des Panthères*.

83. Further information gathered indicates that the government authorities should have been aware of those arbitrary detentions and mass executions, which took place in close proximity to the President's official residence.[11]

84. The indiscriminate and targeted killing of civilians, as well as mass executions, constitutes a violation of the right to life, in accordance with article 6 of the International Covenant on Civil and Political Rights. Such crimes also fall under article 7 of the Rome Statute and constitute crimes against humanity.

Sexual and gender-based violence

85. The Commission established working relations with a number of local and international non-governmental organizations and other institutions in order to gain access to alleged victims of sexual and gender-based violence. As a result, the Commission has so far received testimonies from 55 victims and witnesses of such violence, most of whom were raped during the lootings by the Séléka. Some of the girls and women were gang-raped.

86. Some of the interviewees talked about their feelings of utter humiliation, despair and shame, and about the physical and psychological impact of the rapes. This was especially true for the women who were gang-raped in their own houses, in front of their family members. The information provided during the interviews also indicate that rape was committed by Séléka forces as an opportunistic crime, while they were looting houses.

87. The Commission's investigations into those violations are still under way and its investigators are in the process of reviewing additional material. The Commission has reasonable grounds to believe that the cases reviewed to date constitute violations of the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Civil and Political Rights. They also constitute breaches of common article 3 of the Geneva Conventions, as well as of the second additional protocol to the Geneva Conventions.

[11] Case file No. 270/0PJ of 23 December 2013, on the discovery of dead bodies at the *Colline des Panthères*. Testimonies of B. C. E., who was arrested by the Séléka on 7 December 2013, and B. M., who was arrested by the Séléka on 17 December 2013.

C. Alleged violations of international human rights and international humanitarian law by the anti-balaka

88. After reviewing all the documentation and meeting numerous organizations and individuals, it was clear to the Commission that most of the violations committed by the anti-balaka were committed against the Muslim population. Furthermore, a preliminary assessment indicated that the majority of the violations were committed as part of a clear objective: to remove the Muslim population from the territory of the Central African Republic. While murder, torture, the looting and destruction of property and of buildings dedicated to religion are acts that could amount to genocide, crimes against humanity and/or war crimes, if combined and under specific circumstances, such acts could also be interpreted as ethnic cleansing. As a result, investigations were conducted not only to demonstrate whether the violations mentioned above had been committed but also to determine whether ethnic cleansing had been committed.

89. In the short time available, the Commission focused on gathering testimonies and evidence of the main violations committed by the anti-balaka since 5 December 2013. The Commission is still in the process of contacting hospitals, morgues and relevant stakeholders. It should be noted that many victims and witnesses had already left the country and, consequently, that the Commission was not able to interview valuable sources of information in Bangui.

Killings committed by the anti-balaka

90. Muslim civilians have been and continue to be killed since 5 December 2013. According to data received from the morgue, which is based in Ali Babolo Mosque, at least 330 bodies were received between 5 December 2013 and 31 January 2014. That figure is not exhaustive, as some of the bodies were not taken to the morgue. As some witnesses reported, there were times in which the situation was too unsafe for Muslims to reach the PK5 area where the morgue is located. The list however, includes some Muslim fighters.

91. According to testimonies received, among the victims were men and women of all ages and social backgrounds. The only factor they had in common was their religious identity. As several victims reported, during the attacks anti-balaka elements were shouting slogans against the Muslims saying that they wanted to get rid of them and that they did not want to hear "*Allahu akbar*" any longer.

92. Also according to testimonies, early in 5 December 2013 anti-balaka militias attacked, simultaneously and in a well-coordinated manner, Kasaï Camp[12] (south-east of Bangui), Boeing district (north-west of Bangui), the National Assembly, Boy-Rabé and Fouh districts located in an area considered to be former President Bozizé's stronghold. Witnesses said that killings took place in almost all these districts during the attack.

93. It is not known how many Séléka soldiers were killed during the attack on Kasaï Camp. However, the Commission was informed of the presence of up to 180 new recruits who were undergoing training and who were reportedly unarmed. One of the interviewed witnesses reported that six people he knew personally had been killed. Anti-balaka militias also reportedly killed a woman and a young man,

[12] Kasaï Camp become a Séléka base when the coalition seized power in March 2013.

both civilians, living in the Ngaragba area, just outside the camp. In the Boeing neighbourhood, at least nine bodies were retrieved by soldiers of the Presidential Guards. According to witnesses, most of the casualties belonged to traders killed in the local market.

94. At the same time, anti-balaka fighters, together with civilians, attacked Muslims living in the Boy-Rabé and Fouh neighbourhoods. Witnesses reported that a large number of people using machetes or guns and chanting anti-Muslim slogans targeted Muslim houses and shops. Two people were killed in Boy-Rabé and three in Fouh, including a woman. The three bodies found in Fouh were mutilated and/or burned.

95. On 6 December 2013, a ceremony for the death of 65 persons was held in Ali Babolo Mosque in Bangui. The bodies had been found in different parts of the city. It is unknown how many of them were Séléka soldiers. The Commission interviewed family members and witnesses, who reported that some 28 civilians, including three women, had been killed. Most had been killed in their homes or in the streets or had been abducted and were later found dead.

96. Violence against the Muslim community by anti-balaka militias has continued unabated, often resulting in the death of the persons targeted. According to figures provided to the Commission by the Ali Babolo morgue and the testimonies received, it would seem that attacks led by the anti-balaka in January 2014 caused more casualties and affected a greater number of districts inhabited by Muslims than the attacks of December 2013.

97. The Commission has received reports and pictures of people whose bodies were mutilated, disembowelled or decapitated. In many cases, people were burned. It is not always possible to determine whether those incidents were committed by the anti-balaka or by the civilian population.

98. According to reports provided by national and international organizations, there have been peaks in the violence between the two groups, such as on Christmas day in 2013, when 78 bodies, mainly of Christians, were collected by international humanitarian organizations. After former President Djotodia officially stepped down on 10 January 2014, violence against Muslims restarted: 65 bodies were reportedly taken from different neighbourhoods to the Muslim morgue on 10 and 11 January 2014.

99. On 24 January 2014, a former Minister of Health was attacked with machetes by anti-balaka militias stationed at one of the main roundabouts of the town after he was reportedly recognized as Muslim. He died in hospital as a result of his injuries. A person who was travelling with him survived, following the intervention of MISCA.

100. A series of killings also occurred at the end of February and beginning of March 2014 on the way from the airport to the city centre. Every Friday and Saturday, convoys of trucks and vehicles heading towards Chad or Cameroon would leave from a bus station, which Muslims staying at the camp for internally displaced persons near the airport would try to reach in order to leave the country. Taxis were intercepted; passengers were extracted by force, robbed of all their property and killed, often with machetes or knives. According to preliminary information received, such incidents took place on 28 February and 1 March and then again on 7 and 8 March 2014, in the Combattant neighbourhood, whose main avenue has

become known as the "death corridor". The Commission received images of the cut-up bodies that were later retrieved and taken to the Muslim morgue.

101. Children have not been spared by this violence. According to interviewees, at least seven children were killed by anti-balaka elements on 5 December 2013, when they entered Bangui. One witness said he had gone to Friday prayers leaving his wife and two children (aged 8 and 12 years) at home because he thought that, even if there was trouble, they would be spared. His house was attacked and he later found the bodies of his two children in Ali Babolo Mosque; he has not seen his wife since. Another witness, who used to live in PK12, reported that, following an attack by the anti-balaka in January 2014, he fled from his residence without his 10-year-old son because he did not know where he was. When he returned home, he found the decapitated body of his son and a machete lying at the doorstep.

Violation of the right to property (pillage and destruction)

102. All attacks against the Muslim community have involved the looting of houses and shops. Such looting has been followed by the complete destruction of entire Muslim-inhabited neighbourhoods. Satellite pictures of Fouh, Miskine, Combattant, Kina and Sara neighbourhoods show how entire blocks in Bangui have disappeared. According to figures provided by the Muslim community, at least 43 mosques in Bangui have been completely destroyed: doors, roofs and, sometimes, even bricks have been taken away. The Commission visited the mosques of Fouh, Boy-Rabé, Miskine, Malimaka and Ngaragba, and could confirm that nothing was left. The Fouh mosque has been transformed into a playground. The only mosques still intact are the few located near PK5.

103. According to satellite imagery obtained from the Operational Satellite Applications Programme on 22 February 2014, over 1,300 buildings have been destroyed, the majority of which are located in the third, fifth and eighth districts of Bangui, which is where the majority of Muslims were residing. Following an on-site assessment in the fifth district, figures published by the Central African Republic Shelter Cluster in March 2014 indicate that 650 shelters belonging to the minority Muslim community had been completely destroyed and that 178 had been partially destroyed. According to the reports received, it appears that anti-balaka fighters or sympathizers were mainly responsible for the systematic destruction of property. During its field visits, the Commission noted that new constructions were being built by non-Muslim individuals on sites inhabited previously by Muslims. Should this trend of illegal occupation be confirmed and no appropriate measures be taken to counter it, it could constitute a serious obstacle to the return of people of Muslim identity who used to live in these areas.

104. Following the above-mentioned attacks against Fouh and Boy-Rabé of 5 December 2013, similar attacks were carried out against Muslim communities based in the neighbourhoods of Galababa (15 December 2013), Sara (16 December 2013), Ngaragba (25 December 2013), Kolongo and Damala (1 January 2014), PK12 (January 2014), Galabadja (22 January 2014), Kina (25 January 2014), Kolongo (31 January 2014), Baidi (16 February 2014) and Combattant and Fondo (17 February 2014). In all cases, the attacks were carried out once the people had left their homes and their properties had been destroyed.

Ethnic cleansing

105. While not defined as a crime under international law, ethnic cleansing is nevertheless referred to under the principle of the responsibility to protect as including the deportation or forcible transfer of a population. Constant threats and the targeted and systematic destruction of Muslim properties have gradually forced Muslims in Bangui to leave their places of residence and move to safer areas. Entire neighbourhoods have effectively been cleansed of Muslim communities.

106. Well-orchestrated attacks have been carried out against the residents of the mainly Muslim neighbourhood of Miskine, in the fifth district. The attacks started on 26 January 2014 and continued for two days, at which time all the Muslim members of the community decided to leave their homes and properties and seek refuge at the central mosque. The following day, Muslim properties were destroyed by the local population and by the anti-balaka.

107. The Commission has given serious consideration to allegations of such attacks committed against the Muslim populations in Bangui and other areas of the Central African Republic. The Commission intends to continue to carry out investigations inside and outside Bangui in order to present its findings and conclusions in its next report.

108. In the view of the Commission, there is no doubt that, as the conflict and the violence have continued, with a bitter undertone of vengeance in the killings committed by the parties to the conflict, the first elements of a precursor to genocide have started to creep into the language of one of the parties to the conflict: the anti-balaka.

109. Language that consists of incitement to hatred is now prevalent in the propaganda of non-Muslim groups, represented in general by the anti-balaka, both in the media and on the streets. The Commission believes that the situation is still delicate and must be carefully monitored by the international community. The massive and forced displacement of the Fulani as an ethnic group and of the Muslim population as a religious group, in particular, may constitute acts of genocide.

110. The Commission has thought about what conditions would normally have to be present for an act to constitute genocide. Under the Convention on the Prevention and Punishment of the Crime of Genocide, in order for an act to be considered genocide it must be committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.[13] First and foremost, the crime of genocide requires, as do many other crimes, mens rea, that is to say the specific intention or knowledge of wrongdoing.

111. The Commission considers that it will be appropriate to assess, in the near future, the exact nature and characteristics of the alleged violations of international humanitarian law and international criminal law that may have been already

[13] In article 2 of the Convention, genocide is defined as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group. The Convention was adopted by the General Assembly on 9 December 1948 (resolution 260 (III) A, annex) and entered into force on 12 January 1951.

committed by the parties to the conflict before making its findings in that respect known. It is worth noting that the Commission might not limit itself to investigating these alleged violations, but will continue to monitor the conduct of the parties involved. The Commission is continuously scrutinizing the situation on the ground.

VII. Responsibility

A. State responsibility

112. The State has the obligation to promote and protect international human rights law. Any nationally or internationally wrongful act that occurs in a State is the responsibility of the State concerned. All acts committed by State agents, including members of the military and the security forces, are the responsibility of the State. In the present conflict in the Central African Republic, the State is responsible for the violations committed during the last three months of the Bozizé regime and also under the short period when Mr. Djotodia was in power.

113. Since the departure of Mr. Djotodia and the installation of the new Government of transition, the State still remains primarily responsible for the crimes and violations being committed in the Central African Republic.

B. Individual criminal responsibility and superior or command responsibility

114. The principle that an individual who planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of a crime shall be held individually responsible for the crime has been firmly established by jurisprudence emanating from the Nuremburg and Tokyo trials and confirmed by the international criminal tribunals for the former Yugoslavia and for Rwanda, as well as by other similar entities with international jurisdiction.

115. The application of the principle of superior or command responsibility under international criminal law and jurisprudence clearly indicates that acts committed by a subordinate do not relieve his or her superior of criminal responsibility if he or she knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators.

116. The principles of individual criminal responsibility under direct and superior or command responsibility should, in the considered opinion of the Commission, apply to all those suspected of having committed human rights violations. These would include members of the Séléka who committed various violations in several towns and villages as they marched from the north and north-east towards Bangui and from the time they took power until the present day. These principles should also be applied, to an equal degree, to the anti-balaka, whose members should be held individually responsible for the violations they committed in the Central African Republic during the reporting period.

117. The Central African Republic is party to the Rome Statute, which recognizes the principle that a person who orders a subordinate to commit a violation or a crime for which there is individual criminal responsibility is as responsible as the

individual who actually carries it out. This principle, first established during the Nuremburg trials, was adopted by the General Assembly on 11 December 1946 and applied by the International Criminal Court. This made it clear that the official position of any person, whether a Head of State or Government, a responsible government official or a leader of an armed group or of regular armed forces, shall not relieve such a person of criminal responsibility nor mitigate punishment. Furthermore, the fact that a person acted pursuant to an order of a Government or of a superior shall not relieve him or her of criminal responsibility but may be considered in mitigation of punishment if justice so requires.

VIII. Preliminary conclusions

118. The Commission, at this stage of the inquiry and of the investigations, concludes that ample evidence exists to prove that individuals from all sides of the conflict have, between 1 January 2013 and the present day, perpetuated serious breaches of international human rights and international humanitarian law in the Central African Republic. The international community cannot ignore the fact that the Muslim community and some ethnic groups, such the Fulani, are currently being targeted and subjected to hate language by the armed forces and the anti-balaka, who are demanding the departure from the Central African Republic of all Muslims.

119. There are 700,000 internally displaced persons and refugees in the Central African Republic, a country with a population of just over 4.5 million inhabitants. It is notable, however, that in quite a few towns and villages Muslim community leaders have been able to take some action to protect Christian and other non-Muslim members of the community and that in other towns and villages Christian and other non-Muslim leaders have acted to protect their Muslim neighbours from the hands of extremists.

120. The Commission is particularly concerned about the fact that the institutions that should normally exist in a functioning State have either completely broken down in the Central African Republic or exist only in token form. The Government is unable to ensure the security of the population, enforce law and order and render to the people services that any normal Government would render.

121. The Commission is particularly concerned about the lack of effective law and order enforcement forces and of a fully functioning judiciary, a police department and courts capable of protecting the population. The fact that prison and police services are inexistent, especially in regions other than Bangui, means that ordinary, law-abiding citizens are easy prey to armed groups.

122. The Commission is seriously concerned about the outcome of a so-called "general assembly" of the Séléka that was held in Ndélé, the capital town of Bamingui-Bangoran, on 8 and 9 May 2014. After their failure to maintain control over the whole country, the Séléka have now retreated to their northern strongholds to reorganize themselves and put into place new military and political structures. By creating a high command covering particular regions, they have all but announced their intention to split the Central African Republic into two and establish a separate State for themselves. At the above-mentioned general assembly the de facto secession of three northern regions (Bamingui-Bangoran, Vakaga and Haute-Kotto) was announced through the creation of an army chief of staff, directorates of the

gendarmerie and a police force. This clearly indicates that there is the intention to create a parallel government in the occupied regions.

IX. Recommendations

123. At this point of its inquiry, the Commission fears that the critical situation of the Central African Republic may hide an even more serious armed conflict, which could break out at any moment.

124. On the basis of the first phase of its investigation, the Commission recommends that:

(a) The National Transitional Government:

(i) Take strong initiatives to foster the peaceful coexistence of communities and dialogue between Christian and Muslim communities and among politicians;

(ii) Speed up the process of rebuilding the judiciary and the law enforcement agencies so that they can fight impunity and investigate, prosecute and punish, in due course, persons or institutions involved in human rights violations and other international crimes;

(iii) Ensure that armed groups and individuals are not involved in the exploitation of natural resources, which could be used to finance their activities;

(b) MINUSCA:

(i) Continue to assist the National Transitional Government in ensuring the return to security in the territory of the Central African Republic, while awaiting the effective transfer of authority from MISCA and Operation Sangaris;

(ii) Ensure the speedy and robust implementation of its multifaceted mandate aimed at protecting civilians and that it support the transition process, the preservation of the territorial integrity of the Central African Republic, the delivery of humanitarian assistance, the promotion and protection of human rights and international law, national and international justice and the rule of law, disarmament, demobilization and reintegration, and repatriation.

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Security Council

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The Security Council,

Recalling its previous resolutions, statements of its President and press statements on the situation in Guinea-Bissau, in particular resolutions 1876 (2009), 2030 (2011), 2048 (2012), 2092 (2013) and 2103 (2013),

Taking note of the reports of the Secretary-General on Guinea-Bissau, dated 12 May 2014 (S/2014/332 and S/2014/333) and the recommendations contained therein, and *commending* the engagement of the Special Representative of the Secretary-General and head of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS),

Welcoming the successful holding of presidential and legislative elections in Guinea-Bissau and *congratulating* the people of Guinea-Bissau who participated in the election in record numbers, which showed their strong commitment to democracy,

Emphasizing the need for respect of democratic principles and *stressing* the importance of inclusive governance, essential for the attainment of lasting peace in Guinea-Bissau,

Stressing that the consolidation of peace and stability in Guinea-Bissau can only result from a consensual, inclusive and nationally owned transition process, the restoration of and respect for constitutional order, the reforms in the defence, security and justice sectors, the promotion of the rule of law, the protection of human rights, the promotion of socioeconomic development and the fight against impunity and drug trafficking,

Stressing that all stakeholders in Guinea-Bissau should work to ensure short, medium and long-term stability through clear commitment and genuine inclusive political dialogue aimed at creating conditions conducive to finding viable and sustainable solutions to the country's social, economic, political and military problems, which would facilitate the implementation of key reforms and the strengthening of State institutions,

Expressing concern at the lack of effective civilian control and oversight over the defence and security forces, which hampers the political process and effective functioning of State institutions, as a result of collusion between some political actors and the military leadership,

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Commending the efforts of the Economic Community of West African States (ECOWAS) to create the conditions for free and fair elections and democratic process and to support the security sector reform (SSR) process in Guinea-Bissau namely through the activities of its Mission (ECOMIB),

Reiterating serious concern about reports of continuing serious violations and abuses of human rights, as well as the atmosphere of residual political tension in Guinea-Bissau, and *condemning* restrictions on freedom of expression and freedom of assembly and of the press,

Reiterating its deep concern at the threat drug trafficking poses to stability, *re-emphasizing* the need to tackle the problem of drug trafficking in the countries of origin, transit and final destination through an approach of common and shared responsibility,

Underlining that any lasting solution to instability in Guinea-Bissau should include concrete actions to fight impunity and ensure that those responsible for politically motivated assassinations and other serious crimes such as drug trafficking-related activities and breaches of constitutional order are brought to justice, including through transitional justice mechanisms,

Reiterating the importance of the continued support of the United Nations and international, subregional, regional and bilateral partners for the long-term security and development of Guinea-Bissau, particularly towards the implementation of security and justice sectors reforms, the fight against drug trafficking, organized crime and human trafficking, as well as the creation of an enabling environment for good governance and inclusive and sustainable social and economic development,

Commending the important work of the United Nations Office on Drugs and Crime (UNODC) in collaboration with relevant United Nations (UN) entities in the fight against drug trafficking and transnational organized crime in Guinea-Bissau and the subregion, and *encouraging* enhanced cooperation between UNODC and UNIOGBIS,

Stressing the urgent need to maintain in Guinea-Bissau continuous evaluation capacity and to continue to support national, subregional, regional and international institutions in charge of the fight against drug trafficking,

Stressing the need for increased coherence, coordination and efficiency among relevant partners to enhance their collective efforts towards combating drug trafficking in Guinea-Bissau, in particular through sharing of information,

Emphasizing the important role of women in prevention and resolution of conflicts and in peacebuilding, as recognized in resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009), *welcoming* the Mission's work to increase women's participation in Guinea-Bissau and underlining that a gender perspective must continue to inform the implementation of all relevant aspects of the mandate of UNIOGBIS,

Condemning cases of illegal and unauthorized fishing in Guinea-Bissau's territorial waters and exclusive economic zone, as well as illegal exploitation of natural resources which undermines prospects for the country's economic development,

Reaffirming that Guinea-Bissau's partners should continue to actively and closely coordinate their actions to help bring solutions to the country's political, security and development challenges; in this regard, *welcoming* the efforts made by the Special Representative of the Secretary-General in Guinea-Bissau to convene an international donor conference in close consultation with international, regional and subregional development partners in order to mobilize resources for the country's development priorities including the implementation of the Governance Efficacy Amelioration Programme (GEAP),

Taking note of the statement made by the Chair of the Guinea-Bissau Configuration of the Peacebuilding Commission on 19 May 2014, with regard to the Peacebuilding Commission's determination to re-engage with Guinea-Bissau,

Recognizing the need for UNIOGBIS to support national efforts to fully restore and maintain constitutional order and to promote a multi-layered national dialogue in the post-election period,

Reaffirming its full commitment to the consolidation of peace and stability in Guinea-Bissau:

1. *Decides* to extend the mandate of UNIOGBIS for a period of 6 months beginning on 1 June 2014 until 30 November 2014:

(a) Supporting an inclusive political dialogue and national reconciliation process to facilitate democratic governance;

(b) Assisting in strengthening democratic institutions and enhancing the capacity of State organs to function effectively and constitutionally;

(c) Providing strategic and technical advice and support for the establishment of effective and efficient law enforcement and criminal justice and penitentiary systems, capable of maintaining public security and combating impunity, while respecting human rights and fundamental freedoms;

(d) Providing strategic and technical advice and support to national authorities and relevant stakeholders, including in coordination with ECOWAS/ECOMIB, in implementing the national security sector reform and rule of law strategies, as well as developing civilian and military justice systems that are compliant with international standards;

(e) Assisting national authorities to combat drug trafficking and transnational organized crime, in close cooperation with UNODC;

(f) Assisting national authorities in the promotion and protection of human rights as well as undertaking human rights monitoring and reporting activities;

(g) Mainstreaming a gender perspective into peacebuilding, in line with Security Council resolutions 1325 (2000) and 1820 (2008);

(h) Working with the Peacebuilding Commission in support of Guinea-Bissau's peacebuilding priorities; and

(i) Contributing to the mobilization, harmonization and coordination of international assistance, including for the implementation of the national security sector reform and rule of law strategies, and enhancing cooperation with the African Union (AU), ECOWAS, the Community of Portuguese Language-Speaking Countries (CPLP), the European Union (EU) and other partners in support of the

restoration and maintenance of constitutional order and the stabilization of Guinea-Bissau;

2. *Reiterates* its demand to the security and defence services to submit themselves fully to civilian control;

3. *Condemns* the violations and abuses of human rights, including political and civil rights, *urges* the authorities of Guinea-Bissau to take all necessary measures to protect human rights, put an end to impunity, initiate investigations to identify the perpetrators of such acts and bring them to justice and take action to protect witnesses in order to ensure due process; *also urges* them to take steps to mitigate the climate of fear resulting from restrictions on freedom of expression and freedom of assembly;

4. *Welcomes* the joint efforts by international partners, in particular the United Nations, AU, ECOWAS, EU and CPLP, to enhance cooperation in support of the legitimate democratic government in Guinea-Bissau and *encourages* them to continue to work together towards the country's stabilization;

5. *Encourages* the efforts in support of SSR as a crucial element for long-term stability in Guinea-Bissau and encourages coordinated action by all relevant regional, subregional and international partners of Guinea-Bissau in this field in order to obtain expeditious and positive results;

6. *Calls upon* the authorities of Guinea-Bissau to review, adopt and implement national legislations and mechanisms to more effectively combat transnational organized crime, in particular drug trafficking and money-laundering, and in this context, to provide additional support to the Transnational Crime Unit (TCU) established under the West Africa Coast Initiative (WACI); and *urges* both the authorities of Guinea-Bissau and its security and defence services to demonstrate full commitment to combating drug trafficking and *calls upon* international partners to support their efforts;

7. *Encourages* members of the international community to enhance cooperation with Guinea-Bissau, in order to enable it to ensure control of air traffic and surveillance of maritime security within its jurisdiction, in particular to fight drug trafficking and organized crime, as well as illegal fishing in Guinea-Bissau's territorial waters and exclusive economic zone and other cases of illegal exploitation of natural resources;

8. *Requests* the Special Representative of the Secretary-General to increase efforts to achieve greater coherence, coordination and efficiency among relevant United Nations agencies, funds and programmes in Guinea-Bissau to maximize their collective effectiveness towards combating drug trafficking, in particular through provision by these agencies, funds and programmes of relevant information to the Special Representative on individuals, groups, undertakings and entities associated with drug-trafficking that contribute to creating a threat to the peace, stability and security of Guinea-Bissau and the subregion;

9. *Invites* the Special Representative of the Secretary-General to share all relevant information with the Committee established pursuant to its resolution 2048 (2012), particularly names of individuals who meet the criteria set forth in paragraph 6 and elaborated by paragraph 7 of resolution 2048 (2012);

10. *Stresses* the challenges posed by the fight against drug trafficking in the search of solutions to the overall political and economic crisis in Guinea-Bissau, and *requests* the Secretary-General to ensure the relevant capacity within UNIOGBIS, continuing to provide an anti-drug component, including appropriate expertise;

11. *Encourages* international bilateral and multilateral partners to continue their technical support to Guinea-Bissau in strengthening efforts to tackle transnational organized crime including illicit activities, such as money-laundering and drug trafficking, calls upon them to increase their support to WACI and the TCU to fight transnational organized crime and drug trafficking, which threaten security and stability in Guinea-Bissau and in the subregion and *further encourages* them to contribute to support the presence of UNODC in Guinea-Bissau and to the UNIOGBIS Trust Fund for immediate, medium and longer-term priorities, including for post-election reforms;

12. *Strongly emphasizes* the importance of the convening of an international pledging conference on the recovery of Guinea-Bissau;

13. *Requests* the Secretary-General to conduct a comprehensive review of the mandate of UNIOGBIS, to ensure that it is aligned with the priorities identified by the legitimate democratic government and report the findings of such review by 30 October 2014;

14. *Decides* to remain actively seized of the matter.

United Nations S/2014/375

Security Council

Distr.: General
29 May 2014

Original: English

Chad, France, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions and its presidential statements on the situation in Sudan and South Sudan, and in particular, resolutions 1990 (2011), 2024 (2011), 2032 (2011), 2046 (2012), 2047 (2012), 2075 (2012), 2104 (2013), 2126 (2013), as well as presidential statements S/PRST/2012/19 and S/PRST/2013/14, and the Council's press statements of 18 June 2012, 21 September 2012, 28 September 2012, 6 May 2013, 14 June 2013, 14 February 2014 and 17 March 2014,

Reaffirming its strong commitment to the sovereignty, independence, unity, and territorial integrity of Sudan and South Sudan, and to the purposes and the principles of the United Nations Charter, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Reiterating that the territorial boundaries of States shall not be altered by force, and that any territorial disputes shall be settled exclusively by peaceful means,

Affirming the priority it attaches to the full and urgent implementation of all outstanding issues from the Comprehensive Peace Agreement (CPA),

Reaffirming its previous resolutions 1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006) and 1894 (2009) on the protection of civilians in armed conflict; 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012) and 2143 (2014) on children and armed conflict; 1502 (2003) on the protection of humanitarian and United Nations personnel; and 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013) on women peace and security,

Recalling the commitments made by the Government of Sudan and the Government of South Sudan in the 20 June 2011 Agreement between the Government of Sudan and the Sudan People's Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area, the 29 June 2011 Agreement between the Government of the Sudan and the Government of South Sudan on Border Security and the Joint Political and Security Mechanism (JPSM), and the 30 July 2011 Agreement on the Border Monitoring Support Mission between the Government of Sudan and the Government of South Sudan, as well as the 27 September 2012 Agreements on Cooperation and Security Arrangements, the JPSM's 8 March 2013 decision, and the Implementation Matrix of 12 March 2013, reached by the Government of Sudan and the Government of South Sudan in Addis

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Ababa under the auspices of the African Union High-level Implementation Panel (AUHIP),

Emphasizing the importance of the full participation of women in the implementation of agreements and in the prevention and resolution of conflict and peacebuilding more broadly,

Expressing its full support for the efforts of the African Union on the situation between the Republic of Sudan and the Republic of South Sudan, in order to ease the current tension, facilitate the resumption of negotiations on post-secession relations and the normalization of their relations, *recalling* in this regard the AU Peace and Security Council (AUPSC) Communiqués of 24 April 2012, 24 October 2012, 25 January 2013, 7 May 2013, 29 July 2013, 23 September 2013, 26 October 2013, and 12 November 2013; the AUPSC Press Statement of 6 November 2013; and the Statement from the Chairperson of the AU on 28 October 2013,

Noting with concern the stalled efforts by the Government of Sudan and the Government of South Sudan to demilitarize the Safe Demilitarized Border Zone (SDBZ), including the "14 Mile Area", and to implement the Joint Border Verification and Monitoring Mechanism (JBVMM), in accordance with Council resolution 2046 and the AUPSC road map of 24 April 2012, as a result of South Sudan's continued disagreement with the location of the SDBZ centreline and its decision of 22 November 2013 to temporarily suspend its participation in the JBVMM,

Underlining the importance of establishing and maintaining effective JBVMM monitoring of the SDBZ, including the "14 Mile Area",

Stressing that both countries will have much to gain if they show restraint and choose the path of dialogue instead of resorting to violence or provocations,

Welcoming the importance of recent meetings of President Bashir and President Salva Kiir in continuing dialogue, *recalling* the UNSC decision in resolution 2046 that the parties must resume immediately negotiations to reach agreement on Abyei final status under the auspices of the AUHIP, *calling upon* all parties to engage constructively in the process mediated by the AUHIP towards final agreement on the final status of Abyei Area, and *stressing* that the parties must immediately implement pending aspects of the 20 June 2011 Agreement, in particular to resolve the dispute over the Abyei Area Council and immediately establish the Abyei Area Administration and Abyei Police Service,

Commending the continued assistance provided to the parties by the AUHIP, including its Chairman President Thabo Mbeki, former Presidents Abdulsalami Abubakar and Pierre Buyoya, the Chairperson of the Intergovernmental Authority on Development, Ethiopian Prime Minister Hailemariam Desalegn, the Special Envoy of the Secretary-General for Sudan and South Sudan, Haile Menkerios, and the United Nations Interim Security Force for Abyei (UNISFA) under the leadership of Lieutenant-General Yohannes Tesfamariam,

Commending the efforts of UNISFA in carrying out its mandate, including by its ongoing facilitation of peaceful migration throughout the Abyei Area, and *expressing* its deep appreciation for the work of the troop-contributing countries,

Noting with concern the current fragility of the security situation in Abyei Area, *acknowledging* UNISFA's contribution to enhanced peace and stability since

its deployment, and *determined* to prevent the recurrence of violence against or displacements of civilians and to avert intercommunal conflict,

Expressing its determination that the future status of Abyei shall be resolved by negotiations between the parties in a manner consistent with the CPA and not by the unilateral actions of either party,

Deeply concerned by the public administration and rule of law vacuum in the Abyei Area, due to continued delays in the establishment of the Abyei Area Administration, Council and Police, including a special unit to deal with particular issues related to nomadic migration, which are essential to maintain law and order and prevent intercommunal conflict in Abyei,

Noting with concern the continued threat of intercommunal violence in the Abyei Area, including the ongoing tensions that prevent UNISFA's and other agencies' Sudanese staff from returning to Abyei,

Noting that the continued delay in establishing the temporary institutions and resolving the final status of Abyei contributes to tension in the region, *emphasizing* the importance of all parties refraining from any unilateral action to aggravate intercommunal relations within Abyei Area, and *expressing concern* over the continued implications of what the AUPSC described in their 6 November 2013 press statement as "the decision by the Ngok Dinka to conduct a unilateral referendum",

Bearing in mind the importance of coherence of United Nations assistance in the region,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all of its peacekeeping operations,

Stressing the need for effective human rights monitoring, including of any sexual and gender-based violence and violations and abuses committed against children, *taking note* that there have been no developments with regard to the operationalization of human rights monitoring in the Abyei Area, and *reiterating its concern* at the lack of cooperation by the parties with the Secretary-General to this end,

Further stressing the urgency of facilitating the delivery of humanitarian assistance to all affected communities in the Abyei Area,

Affirming the importance of voluntary, safe, orderly return and sustainable reintegration of displaced persons, and of peaceful and orderly migration cycles respecting the traditional migratory routes from Sudan to South Sudan through Abyei, and *urging* UNISFA to take measures as necessary to ensure security in the Abyei Area in accordance with its mandate,

Recalling its resolution 2117 (2013), and *expressing grave concern* at the threat to peace and security in Abyei arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons,

Expressing concern with the residual threat of landmines and explosive remnants of war in the Abyei Area, which hinders the safe return of displaced persons to their homes and safe migration,

Welcoming the steps taken by UNISFA towards the effective implementation of its mandate, including, inter alia, through conflict prevention, mediation and deterrence,

Taking note of the 13 May 2014 Secretary-General's report (S/2014/336), including its assessment that the political and security situation on the ground has seriously deteriorated and could become untenable during the next dry season and 2014-2015 migration cycle, and the recommendations contained therein,

Recognizing that the current situation in Abyei and along the border between the Sudan and South Sudan continues to constitute a serious threat to international peace and security,

1. *Decides* to extend until 15 October 2014 the mandate of the United Nations Interim Security Force for Abyei (UNISFA) as set out in paragraph 2 of resolution 1990 (2011) and modified by resolution 2024 (2011) and paragraph 1 of resolution 2075 (2012), and acting under Chapter VII of the Charter of the United Nations, further decides to extend until 15 October 2014 the mandate of UNISFA as set out in paragraph 3 of resolution 1990, and *determines* that for the purposes of paragraph 1 of resolution 2024 (2011), support to the operational activities of the JBVMM shall include support to the Ad Hoc Committees, as appropriate when so requested by consensual decisions of these mechanisms, within UNISFA's operational area and existing capabilities;

2. *Welcomes* the UN's strategic review of UNISFA, and the recommendations in the 13 May Secretary-General's report of support to the resumption of community dialogue and administration by the communities under AJOC supervision; in this regard, *calls upon* the communities and the Governments of Sudan and South Sudan to work with the UN towards that goal; and stresses the importance of support in these efforts from the African Union;

3. *Reiterates* its demand that Sudan and South Sudan immediately resume the work of the Abyei Joint Oversight Committee (AJOC) to ensure steady progress on the implementation of the 20 June 2011 Agreement, including the implementation of the AJOC decisions;

4. *Further reiterates* its demand that Sudan and South Sudan urgently commence the establishment of the Abyei Area Administration and Council, including by resolving the deadlock over the composition of the Council, and constitute the Abyei Police Service, to enable it to take over policing functions throughout the Abyei Area, including the protection of oil infrastructure, in accordance with their commitments in the 20 June 2011 Agreement;

5. *Decides* to maintain the troops authorized by resolution 2104 (2013) already deployed, and that the remaining authorized forces will only be deployed in case of reactivation of the JBVMM, and at the appropriate time as deemed by the Secretary-General, to enable UNISFA to provide required force protection to the JBVMM and to enable UNISFA to fully support the JBVMM to conduct extended operations into the SDBZ as soon as possible, and *requests* the Secretary-General to keep the Council fully updated on the status of deployment as part of his regular reporting cycle;

6. *Expresses concern* regarding the stalled efforts to fully operationalize the JBVMM, as a result of South Sudan's continued disagreement with the location of

the SDBZ centreline and its decision of 22 November 2013 to temporarily suspend its participation in the JBVMM, and *calls upon* the Government of Sudan and the Government of South Sudan to make timely and effective use of the JBVMM, JPSM, and other agreed joint mechanisms to ensure the security and transparency of the SDBZ, including the "14 Mile Area";

7. *Urges* renewed efforts to determine conclusively the SDBZ centreline on the ground, and reiterates that the centreline of the SDBZ in no way prejudices the current or future legal status of the border, ongoing negotiations on the disputed and claimed areas, and demarcation of the borders;

8. *Underscores* that UNISFA's protection of civilians mandate as set out in paragraph 3 of resolution 1990 (2011) includes taking the necessary actions to protect civilians under imminent threat of physical violence, irrespective of the source of such violence;

9. *Condemns* the presence of SPLA/SSNPS armed personnel and Diffra oil police units deployed in the Abyei Area, as well as the repeated entry of Misseriya militias into the territory, and *reiterates its demands* that immediately and without preconditions the Government of the Republic of South Sudan fully redeploy its security service personnel from the Abyei Area and that the Government of Sudan also redeploy the Oil Police in Diffra from the Abyei Area, and *further reiterates*, in accordance with relevant resolutions, in particular resolution 1990 and resolution 2046, that the Abyei Area shall be demilitarized from any forces, as well as armed elements of the local communities, other than UNISFA and the Abyei Police Service;

10. *Supports* the AJOC's 3 May 2013 decision on Abyei's status as a weapons-free area, *underscores* the AUPSC's concern in its 7 May 2013 Communiqué over reports that various communities living in Abyei are heavily armed, *recalls* that the 20 June 2011 Agreement on Temporary Arrangements for the Administration and Security of the Abyei Area stipulates that Abyei should be a weapons-free area and that only UNISFA is authorized to carry weapons inside the area, and in this regard, *urges* the two Governments to take all necessary steps to ensure that Abyei is effectively demilitarized, including through disarmament programs as necessary;

11. *Requests* that UNISFA, consistent with its mandate and within its existing capabilities, observe, document and report on the movement of weapons into Abyei and the presence of weapons within Abyei as part of the Secretary-General's regular reporting cycle;

12. *Urges* the two Governments immediately to take steps to implement confidence-building measures among the respective communities in Abyei Area, including through reconciliation processes at the grass-roots level and supporting UNISFA in convening a peace conference between the Ngok Dinka and Misseriya traditional chiefs, and *strongly urges* all Abyei communities to exercise maximum restraint in all their engagements and to desist from inflammatory acts or statements that may lead to violent clashes, or any further unilateral activities;

13. *Requests* UNISFA to continue its dialogue with the AJOC and with the Misseriya and Ngok Dinka communities on effective strategies and oversight mechanisms for ensuring full compliance by all relevant parties with Abyei's status as a weapons-free area, with a particular priority placed on the urgent elimination of

heavy or crew-served weapons, as well as rocket-propelled grenades, and *calls upon* the Governments of Sudan and South Sudan, the AJOC, and the Misseriya and Ngok Dinka communities to extend full cooperation to UNISFA in this regard;

14. *Calls upon* all parties to cooperate fully with the findings and recommendations following the Abyei Area Joint Investigation and Inquiry Committee's (AAJIIC's) investigation into the killing of a UNISFA peacekeeper and the Ngok Dinka paramount chief;

15. *Expresses* its intention to review as appropriate the mandate of UNISFA for possible reconfiguration of the mission in light of the compliance by Sudan and South Sudan with the decisions set forth in resolution 2046 and their commitments as set forth in the Agreements of 20 June, 29 June, 30 July 2011 and 27 September 2012, including the redeployment of all forces from the SDBZ, achieving full operational capability for the JVBMM, and the Ad Hoc Committees, as well as completing the full demilitarization of the Abyei Area;

16. *Calls upon* all Member States, in particular Sudan and South Sudan, to ensure the free, unhindered and expeditious movement to and from Abyei and throughout the SDBZ of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles, aircraft, and spare parts, which are for the exclusive and official use of UNISFA;

17. *Renews its call upon* Sudan and South Sudan to provide full support to the United Nations, including by promptly issuing visas to military, police and civilian United Nations personnel, including humanitarian personnel, without prejudice to their nationality, facilitating basing arrangements and flight clearances, and providing logistical support, and *calls upon* all parties to fully adhere to their obligations under the Status of Forces Agreements;

18. *Recognizes* the absence of critical infrastructure projects affecting UNISFA peacekeeping personnel, *notes* the action being taken to address this situation, and *urges* the Secretary-General to continue to take the measures available to him to remediate this situation and better enable UNISFA to implement its mandate;

19. *Demands* that the Government of Sudan and the Government of South Sudan continue to facilitate the deployment of the United Nations Mine Action Service to ensure JBVMM freedom of movement as well as the identification and clearance of mines in the Abyei Area and SDBZ;

20. *Further demands* that all parties involved provide humanitarian personnel with full, safe and unhindered access to civilians in need of assistance and all necessary facilities for their operations, in accordance with international law, including applicable international humanitarian law, and United Nations guiding principles of humanitarian assistance;

21. *Requests* the Secretary-General to ensure that effective human rights monitoring is carried out, and the results included in his reports to the Council, and *reiterates* its call upon the Government of Sudan and the Government of South Sudan to extend their full cooperation to the Secretary-General to this end, including by issuing visas to the concerned United Nations personnel;

22. *Requests* the Secretary-General to take the necessary measures to ensure full compliance of UNISFA with the United Nations zero tolerance policy on sexual

exploitation and abuses and to keep the Council informed if cases of such conduct occur;

23. *Stresses* that continued cooperation between the Government of Sudan and Government of South Sudan is also critical for peace, security and stability and the future relations between them;

24. *Requests* the Secretary-General to continue to inform the Council of progress in implementing UNISFA's mandate in two written reports, no later than 30 July and 30 September respectively, and continue to bring to the Council's immediate attention any serious violations of the above referenced agreements;

25. *Notes* the Secretary-General's efforts to ensure close cooperation among United Nations missions in the region, including UNISFA, the United Nations Mission in the Republic of South Sudan (UNMISS), and the African Union-United Nations Hybrid Operation in Darfur (UNAMID), as well as his Special Envoy for Sudan and South Sudan, and requests him to continue this practice;

26. *Decides* to remain actively seized of this matter.

United Nations S/2014/376

Security Council

Distr.: General
28 May 2014

Original: English

Letter dated 28 May 2014 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1977 (2011), paragraph 5 (a), in which the Council requested the Secretary-General to establish, in consultation with the Security Council Committee established pursuant to resolution 1540 (2004), a group of up to eight experts, acting under the direction and purview of the Committee, composed of individuals with appropriate experience and knowledge to provide the Committee with expertise, to assist the Committee in carrying out its mandate under resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011), including through the facilitation of assistance to improve implementation of resolution 1540 (2004).

By its resolution 2055 (2012), adopted on 29 June 2012, the Security Council emphasized the significantly increased workload of the Committee over the course of its mandate and requested the Secretary-General to increase the size of the group of experts referred to in paragraph 5 (a) of resolution 1977 (2011) to up to nine experts.

In a letter dated 26 July 2012, addressed to the President of the Security Council (S/2012/585), I informed the Council that I had established the group of experts and appointed nine individuals to the group. Since then, one expert resigned in December 2013 and the terms of service of two other experts expired in March and April 2014.

On 22 May 2014, the Committee informed the Secretariat that after consultations, the Committee had agreed on three candidates and, in that connection, requested that the Secretary-General take the necessary measures to appoint three new experts to the group of experts.

Accordingly, I wish to inform you that, after consultations with the Committee, I have appointed the following experts to the group of experts:

Mr. Raphael Prenat (France)
Mr. Gennady Lutay (Russian Federation)
Mr. Michael Rosenthal (United States of America).

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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United Nations S/2014/377

Security Council

Distr.: General
29 May 2014

Original: English

Australia, Chad, France, Lithuania, Luxembourg, Nigeria, Republic of Korea, Rwanda, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous resolutions and statements of its President on the situation in Somalia,

Reaffirming its respect for the sovereignty, political independence, territorial integrity and unity of Somalia,

Commending the United Nations Assistance Mission in Somalia (UNSOM) for its first twelve months of operation, and *noting* with appreciation UNSOM's positive impact in supporting the Federal Government of Somalia (FGS) in the peace and reconciliation process,

Underlining the need for urgent progress in the development of a federal system, the review and implementation of the Somali Provisional Federal Constitution and preparations for elections in 2016,

Expressing concern around the heightened tension in Baidoa and the potential for confrontation between Puntland and "Somaliland", and *encouraging* in this regard the FGS to strengthen dialogue with Puntland and resume talks with "Somaliland" in order to find peaceful solutions in line with the Provisional Federal Constitution,

Recognizing the primary responsibility of the FGS, with the support of the African Union in Somalia (AMISOM), UNSOM and international partners, in consolidating security and establishing basic governance and the rule of law, as well as providing humanitarian access and basic social services, in areas secured by AMISOM and the Somali Security Forces,

Recalling the need for all parties to respect the relevant provisions of international humanitarian law and the United Nations Guiding Principles of humanitarian assistance,

Welcoming the positive relationship between UNSOM and the African Union Mission in Somalia (AMISOM), *underlining* the fundamental importance of both Missions working closely together in accordance with their respective Security Council mandates, and *noting* the need for continuing collaboration with the United Nations Support Office for AMISOM (UNSOA),

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Underlining the importance of UNSOM working closely with the Federal Government of Somalia, and in that context *welcoming* UNSOM's plans to relocate outside of Mogadishu International Airport as well as expanding its presence and work into the regions as security conditions permit,

Welcoming the achievements of the current joint Somali National Army (SNA) and AMISOM operations, *underlining* its expectation that these operations will continue, and *commending* the extraordinary bravery and sacrifices made by AMISOM and SNA personnel in pursuit of peace and stability in Somalia,

Expressing concern that AMISOM has not yet established a Civilian Casualty Tracking Analysis and Response cell, the importance of which was stressed by Security Council resolutions 2124 (2013) and 2093 (2013),

Expressing concern at the reports of violations of human rights, including extrajudicial killings, violence against women, children and journalists, arbitrary detention and pervasive sexual violence in Somalia, including in camps for internally displaced persons, and *underscoring* the need to end impunity, uphold human rights and to hold accountable those who commit such crimes,

1. *Decides* to extend UNSOM's mandate for a period of 12 months as follows:

(a) To provide United Nations "good offices" functions, supporting the Federal Government of Somalia's peace and reconciliation process;

(b) To support the Federal Government of Somalia, and AMISOM as appropriate, by providing strategic policy advice on peacebuilding and State-building, including on:

(i) Governance, including public financial management;

(ii) Security sector reform, rule of law (including police, justice and corrections within the framework of the United Nations Global Focal Point), disengagement of combatants, disarmament, demobilization and reintegration, maritime security and mine action;

(iii) The development of a federal system; the constitutional review process and subsequent referendum on the constitution; and preparations for elections in 2016;

(c) To assist the Federal Government of Somalia in coordinating international donor support, working with bilateral and multilateral partners, in full respect of the sovereignty of Somalia, in particular on:

(i) Security sector assistance including with the Government's requirements under the terms of the partial suspension of the arms embargo; and

(ii) Maritime security;

(d) To help build the capacity of the Federal Government of Somalia to:

(i) Promote and protect human rights and women's empowerment, including through the provision of Gender Advisers and Human Rights Advisers;

(ii) Promote child protection and to implement the relevant Somali Government action plans on children and armed conflict, including through the provision of Child Protection Advisers;

(iii) Prevent conflict-related sexual and gender-based violence, including through the provision of Women's Protection Advisers;

(iv) Strengthen Somalia's justice institutions and to help ensure accountability in particular with respect to crimes against women and children;

(e) To monitor, help investigate and report to the Council on, and help prevent:

(i) Any abuses or violations of human rights or violations of international humanitarian law committed in Somalia, including through the deployment of human rights observers;

(ii) Any violations or abuses committed against children in Somalia;

(iii) Any violations or abuses committed against women, including all forms of sexual and gender-based violence in armed conflict;

2. *Welcomes* the establishment of UNSOM as an integrated Mission under the strategic direction of the SRSG, *welcomes also* the reopening of the United Nations Common Compound in Mogadishu on 24 April 2014, *encourages* the United Nations Country Team to continue relocating to Mogadishu as security conditions permit, and *reiterates* paragraph 5 of resolution 2102 (2013) and paragraph 17 of resolution 2124 (2013) regarding UNSOM's structures and reporting lines;

3. *Stresses* the importance it attaches to UNSOM working with the Federal Government of Somalia in supporting the Government's stabilization efforts and coordinating international assistance, in particular in areas recovered from Al-Shabaab;

4. *Encourages* UNSOM, AMISOM and the Intergovernmental Authority on Development (IGAD) to continue developing and implementing joint activities, in accordance with their respective mandates, in support of peacebuilding and State-building in Somalia and in this regard, requests the SRSG to align closely United Nations Country Team activities in Somalia with the priorities of UNSOM and to coordinate United Nations activities with the FGS as well as the African Union (including AMISOM), IGAD, European Union and other regional, bilateral and multilateral partners;

5. *Highlights* that the long-term security of Somalia is dependent on the development of the SNA, *underlines* the importance of continued coordinated and transparent support from the international community to develop the SNA, *further underlines* the leadership role for the FGS in this process, and *encourages* Member States to support, as requested by the Security Council in paragraph 14 of resolution 2124 (2013), the SNA including through donations to the United Nations Trust Fund to provide non-lethal logistical support to the SNA when they are on joint operations with AMISOM and which are part of AMISOM's overall Strategic Concept;

6. *Reiterates* the importance of UNSOM adhering to the Secretary-General's Human Rights and Due Diligence Policy and the United Nations Zero-Tolerance Policy on Sexual Exploitation and Abuse;

7. *Condemns* in the strongest terms recent terrorist attacks perpetrated by Al-Shabaab in Somalia and the region, *notes* with concern the number of attacks in Mogadishu, expresses further concern that Al-Shabaab continue to carry out terrorist acts in Somalia, *underlines* the importance of holding perpetrators to account (in full

compliance with international law), and *reiterates* that terrorist attacks will not lessen its resolve to support the peace and reconciliation process in Somalia;

8. *Welcomes* the recent deployment of a United Nations Guard Unit to strengthen security at UNSOM compounds;

9. *Calls on* the Federal Government of Somalia to develop a clear plan towards elections in 2016, including achieving key milestones such as a referendum on the constitution and the formation of interim State administrations *expresses* its willingness to support such a plan, and in this context *encourages* close dialogue between the Federal Government of Somalia and appropriate regional administrations;

10. *Expresses* deep concern at the humanitarian situation in Somalia, *highlights* in particular that 2.9 m Somali people require humanitarian assistance, *underlines* the risk of further deterioration, *highlights* the urgent need for funding for the United Nation's Consolidated Appeal for Somalia which is only 19% funded, and *reiterates* its demand that all parties allow and facilitate full, safe and unhindered access for the timely delivery of aid to persons in need across Somalia;

11. *Stresses* the need for the FGS to ensure that all perpetrators of serious violations of international humanitarian law are held accountable, and *emphasizes* the importance of UNSOM supporting the FGS in developing and implementing a national strategy for preventing and responding to sexual and gender-based violence;

12. *Calls on* UNSOM to implement its mandate consistent with, inter alia, resolution 1325 (2000), *deplores* the ongoing incidences of sexual violence in Somalia, welcomes the Federal Government of Somalia's development of a National Action Plan to end sexual violence as well as the Implementation Plan of the Joint Communiqué of the Federal Government of Somalia and the United Nations on the Prevention of Sexual Violence, and *encourages* the United Nations, Member States and regional and international organizations to support implementation;

13. *Strongly condemns* reports of grave violations against children, *welcomes* the Federal Government of Somalia's signing of the Standard Operating Procedures for the reception and handover of children separated from armed groups, and urges the Federal Government of Somalia to continue to implement the action plans on children and armed conflict, including bringing perpetrators of such acts to justice;

14. *Expresses* concern at the reports of human rights violations received by UNSOM and its partners, some of which were allegedly perpetrated in relation to the continuing military campaign, and at the forced evictions of internally displaced persons, *stresses* the need for the Federal Government of Somalia to ensure that all perpetrators of such violations are held accountable, and *calls upon* the Federal Government of Somalia to promote respect for and actively protect human rights, including of persons in detention centres;

15. *Requests* the Secretary-General to keep the Security Council regularly informed of the implementation of UNSOM's mandate, including through oral updates and no fewer than three written reports, with the first written report by 25 September, and every 120 days thereafter;

16. *Decides* to remain actively seized of the matter.

United Nations A/68/893–S/2014/378

General Assembly
Security Council

Distr.: General
29 May 2014
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Original: Arabic

General Assembly
Sixty-eighth session
Agenda item 70 (a)
Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: strengthening of the coordination of emergency humanitarian assistance of the United Nations

Security Council
Sixty-ninth year

Identical letters dated 27 May 2014 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I should like to convey to you the position of the Government of the Syrian Arab Republic regarding the third report of the Secretary-General on the implementation of Security Council resolution 2139 (2014) (S/2014/365):

First, the Government of the Syrian Arab Republic would like to reiterate its commitment to ensuring that humanitarian assistance reaches all persons affected by the crisis without distinction. It would also like to reiterate that it cooperates with the United Nations and its agencies in connection with this matter on the basis of respect for the principles and purposes of the Charter of the United Nations, international law and the guiding principles of United Nations humanitarian assistance in emergency situations as set out in General Assembly resolution 46/182, in particular the principle of respect for national sovereignty and the role of the State in supervising the distribution of humanitarian assistance in its territory, and for the principles of neutrality, impartiality and non-politicization. Syria furthermore reiterates that the humanitarian crisis that is developing in many parts of Syria cannot be addressed solely by providing emergency supplies to the population. Rather, it is essential to address the roots of the problem and the factors that are exacerbating it. First and foremost, that means countering and eradicating terrorism and rescinding unilateral coercive measures.

Second, in his meeting with the members of the High Relief Commission on 4 May 2014, the President of the Syrian Arab Republic stressed that the humanitarian situation and its implications was the Syrian State's top priority. He further stressed that all resources must be marshalled to meet the pressing need to

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provide shelter, food and medicine to all civilians who had been forcibly displaced as a result of the crimes committed by terrorist groups. He furthermore emphasized that the Syrian State was responsible for the welfare of all its citizens and for meeting their basic needs not only in the locations to which they have been displaced, but also in those areas that are besieged by terrorists.

Third, having considered the Secretary-General's third report, the Syrian Government would like to make the following observations:

1. It is regrettable that those United Nations officials who are responsible for drafting the above-mentioned report continue to ignore the fact that terrorism has given rise to and exacerbated the humanitarian needs in Syria. They insist on addressing the humanitarian situation in Syria in a manner that is selective, biased and politicized and that disregards the guiding principles of United Nations humanitarian assistance. Following are some examples of that:

- The report uses the term "armed opposition" to refer to terrorist organizations that the Security Council has designated as being affiliated with Al-Qaida. It is particularly puzzling that the report adopts a doubtful tone with regard to the presence of foreign terrorists in the ranks of the terrorist organizations operating in Syria. Such a position is contrary to official reports issued by many States affirming the presence of terrorists who are nationals of the reporting States and who came to fight in Syria via Turkey. It also runs counter to the experience of the United Nations itself with the Muhajirin wal-Ansar Brigade, which is composed primarily of foreign terrorists. This group prevented the United Nations on two successive days from delivering aid to the villages of Nubul and Zahra and forced it to change the route of the aid convoy.

- The report continues to diminish the magnitude of the crimes and other actions for which armed terrorist groups are clearly responsible. One such example of this is the report's account of how terrorist groups cut the supply of potable water and clean water to millions of residents in Aleppo as punishment.

2. The Syrian Government deplores the continued attempts of some States and Secretariat officials to legitimize the violation of Syria's sovereignty under the pretext of delivering humanitarian assistance and to do so without the approval of the Syrian Government. These attempts, which come at a time when the report on the implementation of the resolution is to be presented to the Security Council, are a blatant violation of the Charter of the United Nations, the principles of international law and resolution 2139 (2014). In that connection, it should be noted that the presentation of inflated figures regarding humanitarian needs in certain parts of Syria is an attempt to justify this politicized and devious conduct. Syria condemns the distortion of the Charter by the Secretariat and its presentation of an inaccurate interpretation of the concept of sovereignty in order to legitimize the delivery of humanitarian assistance without the approval of the Syrian Government, including through border crossings controlled by terrorist groups. Such conduct is a stark violation of resolution 2139 (2014). Do the authors underestimate the intelligence of the readers and believe that they will only read the report but not understand it? The delivery of assistance to Kafr Hamra, Huraytan, Mayir, Ma'arat Artiq, Hayyan, Anadan, Nubul, Zahra and other places in the northern Aleppo countryside where terrorist groups are active refutes the slanderous remarks contained in the report that the Syrian Government is hindering the delivery of assistance to certain areas.

Syria rejects the recommendations of the Secretariat and advises it to resume being impartial and fair, avoid politicization and not to be a malleable instrument in the hands of certain Western States that are well known for their colonial history and ambitions, if it truly wishes to help those that have been affected by the Syrian crisis.

3. The report constantly attempts to come up with reasons to hold the Syrian Government responsible for hindering the delivery of assistance in order to avoid acknowledging the fundamental obstacles that are standing in the way of the Organization's humanitarian efforts. The most significant of those obstacles are terrorism, a severe lack of funding and lack of effectiveness and coordination on the part of United Nations agencies engaged in such work. Lack of funding continues to be a serious obstacle to the efforts of the Organization's humanitarian agencies to secure and deliver humanitarian assistance. Certain States continue to deny funds to the United Nations for political motives; much of those funds are being diverted illegally to so-called cross-border operations, in flagrant violation of resolution 2139 (2014). According to the report, of the $214.9 million collected, only $163.7 million was allocated for humanitarian response efforts inside Syria during the current period. According to the United Nations, this is a far cry from the $2.2 billion required to implement the 2014 response plan. These figures demonstrate how this financial vulnerability has affected the Organization's ability to execute the response plan and led to a decline in the number of persons receiving assistance in the period covered by the report. This situation raises concerns regarding the fundamental ability of the United Nations to shoulder its responsibility to provide humanitarian assistance.

4. Syria rejects the Secretariat's efforts to blame the Syrian Government completely for the gross failure of United Nations agencies to deliver humanitarian assistance. In that connection, we should like to note that, in the reporting period, the United Nations requested approval to dispatch aid convoys to the Homs, Idlib, Aleppo and Hamah countryside and to Rif Dimashq. According to the United Nations, these are all difficult-to-reach or besieged areas. The Government approved the majority of requests. An aid convoy entered Duma, Rif Dimashq, on 24 May 2014. This is the third time that humanitarian assistance has reached this area. However, no such assistance has reached Adra al-'Ummaliyah to date, despite the repeated requests of the Syrian Government.

5. References to incidents of the alleged use of toxic gas were forcibly introduced into certain parts of the report. These incidents do not fall within the scope of resolution 2139 (2014) and their inclusion is an attempt to confound the technical agency responsible for investigating these allegations following Syria's accession to the Chemical Weapons Convention.

6. In several instances, the report relies on dubious and unverified sources and misrepresents or alters information. For example:

- The report refers to violations allegedly committed in Aleppo Central Prison when neither the United Nations nor any other party is capable of determining their veracity because of the total siege that terrorist groups have imposed since the beginning of the year.
- In its account of the evacuation of fighters from the old city of Homs, the report claims that the evacuation was conditional upon the release of

government-affiliated individuals. We are surprised that the report used this designation to refer to a group of women and children who had been abducted by armed terrorist groups. The children in the group ranged from 7 months to 2 years of age. It is even more surprising that the United Nations should use such biased expressions, as though it was offering justification for incidents of abduction of women and children that the United Nations team had documented.

- The report claims to have documented information on attacks against schools, hospitals and houses of worship in the period from 1 January to 31 March 2014. Incidents that occurred between 22 April 2014 and the report's publication are supposedly documented.

- The report claims to have documented information on attacks against 53 schools, including at least two attacks that occurred in areas the United Nations has been unable to reach. This fact refutes the accuracy of the claims made. Which agency documented those attacks? How can the United Nations use such information without direct verification by its officials? The latter question is particularly relevant given that the United Nations has long relied on the excuse that it is unable to reach certain areas as a pretext for not using the information the Syrian Government provides it. Syria has repeatedly called on the United Nations to document the crimes that armed terrorist groups have committed against more than 3,004 schools. However, the United Nations failed to do this on the grounds that it was unable to reach the areas in which the attacks occurred. In 2012 and 2013, United Nations agencies reported the names of only 12 schools.

7. The procedure adopted by the Syrian Government for the issuance of visas has resolved this question definitively. The report nonetheless continues to raise this question in a manner that is both imprecise and subjective.

8. The Syrian Government is committed to facilitating the movement of trucks carrying aid in order ensure that assistance reaches all those who need it throughout the country. To rein in the chaos and alleviate the futility associated with humanitarian efforts, agreement was reached with the United Nations on 20 May 2014 regarding a new procedure to facilitate the movement humanitarian convoys and enable them to reach their destinations. The report incorrectly claims that, over a period of two weeks, some technical problems had occurred owing to what it calls a lack of harmonization among the relevant Government agencies and of a common understanding of the procedure for the movement of humanitarian assistance. It also claims that those problems had caused 150 trucks carrying aid to be stopped in various parts of the country and led to a decline in the level of assistance. On 14 May 2014, the World Food Programme office contacted the Ministry of Foreign Affairs regarding those trucks. By 22 May 2014, the status of 121 of those trucks had been resolved, and the relevant agencies are looking into the status of the rest.

9. The report once again fails to mention the negative impact unilateral coercive measures have had on the Syrian people. In that connection, it should be noted that, in its 2013 report on the international economic situation, the United Nations Department of Economic and Social Affairs noted that the unilateral economic sanctions imposed by the United States of America and its allies have affected Syrian civilians' standard of living and their ability to meet their basic needs.

Fourth, the Government of the Syrian Arab Republic affirms that it will continue to fulfil its constitutional duty to use every means to protect its citizens from the terrorist crimes that have been directed against them. Syrians have been the victims of terrorist bombings and daily rocket attacks that indiscriminately strike their homes, workplaces, educational and medical institutions, and religious and historical sites in all governorates. At the same time, the Government continues to strive earnestly to reach a political solution and bring about national reconciliation. This is Syria's national strategy. The success achieved in Homs is but one example of the fruits of that strategy and was preceded by successes in Rif Dimashq, Aleppo, Hamah and other governorates. The Syrian Government continues to make serious efforts to restore security and stability to areas that have been affected by terrorism, with a view to finding a political solution and saving the lives of civilians and returning them to their homes.

I should be grateful if the present letter could be circulated as a document of the sixty-eighth session of the General Assembly, under agenda item 70 (a), and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations S/2014/379

Security Council

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Letter dated 28 May 2014 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you a letter from the Special Representative of the Syrian Coalition dated 28 May 2014 (see annex).

I would be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mark Lyall **Grant**

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Annex to the letter dated 28 May 2014 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

On behalf of the people of Syria and the National Coalition of Syrian Revolution and Opposition Forces (Syrian Coalition), it is my grave responsibility to draw to your attention the Syrian regime's ongoing, systematic violations of Security Council resolution 2139 (2014). As the Security Council deliberates its response to the third report of the Secretary-General on the implementation of Security Council resolution 2139 (2014), it is imperative that it act with renewed urgency to enforce international humanitarian law and implement immediate and sustained cross-border access to all areas in Syria where people are in need, as demanded by the Security Council in resolution 2139 (2014).

On 2 October 2013, the Security Council adopted a presidential statement (S/PRST/2013/15) in which it called upon all parties in Syria to support the delivery of humanitarian emergency assistance on the basis of need, devoid of political prejudices and aims. Outraged by the Syrian regime's failure to uphold that presidential statement, on 22 February 2014, the Council unanimously adopted Security Council resolution 2139 (2014) in which it demanded that all parties, but in particular the Syrian regime, implement the provisions of the presidential statement and facilitate the immediate expansion of humanitarian relief operations, including by enabling cross-border access.

Almost eight months after the adoption of the presidential statement (S/PRST/2013/15), the humanitarian situation in Syria has worsened, not improved. As a result, a million more Syrians now live in besieged or hard-to-reach areas; 50,000 more Syrian lives have been lost and 2 million more people have been driven from their homes. Rather than strive to ease the suffering of its people, the Syrian regime has systematically employed new modes of oppression in a calculated strategy designed to starve, terrorize and brutalize the Syrian people into submission.

Among the most egregious crimes it has committed since the adoption of the presidential statement (S/PRST/2013/15), the Syrian regime has launched aerial strikes in civilian areas, employed new chemical weapons attacks using chlorine gas in violation of Security Council resolution 2118 (2013), including by deploying barrel bombs filled with chlorine gas against civilians in opposition areas. Moreover, the regime and its forces have blocked cross-border aid access to over 1 million Syrians in now impossible-to-reach areas, denied access to human rights monitors, and obstructed the passage of medical supplies. Tragically and outrageously, the regime has significantly increased the indiscriminate use of barrel bombs, since the publication of the report of the Secretary-General on resolution 2139 (2014) last month, with over 140 strikes in that time period targeting predominately residential buildings and neighbourhoods in opposition-controlled areas.

Despite the clear legal and ethical obligation of the Syrian regime to cease such practices, the humanitarian situation in Syria has only deteriorated in recent weeks. Since the Secretary-General last reported on the implementation of Security Council resolution 2139 (2014), an array of new and unnecessary bureaucratic

impediments imposed by Syrian regime officials have ensured that access to people in hard-to-reach areas has decreased dramatically. From April to May 2014, the number of Syrians served by the World Food Programme in hard-to-reach areas declined by more than 66 per cent. Despite the adoption of Security Council resolution 2139 (2014), assistance continues to be provided in a politicized and unjustifiable manner, thereby placing millions in peril.

The cooperation demonstrated by the Syrian Coalition and its partner, the Free Syrian Army, offers a marked contrast to the intransigence of the Syrian regime. As part of our efforts to implement Security Council resolution 2139 (2014), we have done the following:

1. **Engaged with the Office for the Coordination of Humanitarian Affairs**: Throughout the past three months, we have engaged in verbal and written communications with the Office for the Coordination of Humanitarian Affairs and have transmitted detailed information pertaining to border crossings, epidemiology and polio eradication. The Assistance Coordination Unit has provided information clarifying the needs of the Syrian population and the local relief agencies working to provide care. Through the Information Management Unit, the Assistance Coordination Unit has shared data related to the freedom of movement of relief agencies, violence against humanitarian personnel, restrictions to aid access, the locations of active hostilities and the presence of mines and explosives that affect the delivery of humanitarian assistance. We will be sharing with the Office for the Coordination of Humanitarian Affairs this information and numerous recent reports.

2. **Designated empowered individuals**: To facilitate increased information sharing with the Office for the Coordination of Humanitarian Affairs, the Syrian Coalition has appointed a team of officials to facilitate communication between the Office for the Coordination of Humanitarian Affairs and opposition bodies (including the Coalition, the Assistance Coordination Unit, the Interim Government and Free Syrian Army forces on the ground), and is providing those names to the Office for the Coordination of Humanitarian Affairs, in order to support the implementation of Security Council resolution 2139 (2014). Their appointments are expected to encourage direct communication to enable the delivery of assistance and ensure that greater numbers of Syrians receive life-saving access to food, water and medicine. The Coalition notes, of course, that some communications will necessarily vary depending on the relevant actors and geographic areas, and that there are some areas controlled by extremist groups.

3. **Committed to facilitate access to hard-to-reach areas**: Particularly in the provinces of Homs, Al Hasakeh and Ladhiqiyah, where tens of thousands of residents require urgent assistance, the Syrian Coalition believes it can work productively with groups in control of opposition held areas to discuss, prepare and implement the delivery of humanitarian assistance. As we have stated repeatedly, the Syrian Coalition and the Free Syrian Army are committed to providing access to all Syrians in need, irrespective of their religion, ethnicity, geography or politics. No Syrian should have to go without food, water, medicine or urgently needed care. Furthermore, the Coalition welcomed the decision of the Organization for the Prohibition of Chemical Weapons to investigate recent regime use of chlorine gas, and despite obstacles on the ground, the Free Syrian Army played a positive role in facilitating access to difficult-to-reach sites of investigation in Kafr Zita.

4. **Pledged to uphold humanitarian law and demilitarize schools and hospitals**: The Syrian Coalition and Free Syrian Army have repeatedly pledged their commitment to upholding humanitarian law, including through the demilitarization of schools and hospitals. In April, officials from both organizations pledged to take all efforts needed to demilitarize schools and hospitals. As promised, the Free Syrian Army is currently working to amend its Proclamation of Principles to reflect this commitment.

5. **Worked to implement the Geneva Communiqué**: The Syrian Coalition has likewise been steadfast in its commitment to secure the full implementation of the Geneva Communiqué, as required by paragraph 15 of Security Council resolution 2139 (2014). We were deeply appreciative of the efforts of the Joint Special Representative of the United Nations and the League of Arab States, Lakhdar Brahimi, to bring forward a political settlement to the crisis in Syria, and shared his frustration regarding the Syrian regime's refusal to engage constructively in the peace process. Following the announcement of his impending resignation, the Syrian Coalition reached out to the Department of Political Affairs of the United Nations Secretariat in an effort to continue our dialogue in the search for a political solution. We remain committed to the Geneva process, and continue to believe that a political solution offers the best opportunity for long-term peace in Syria.

As important as such efforts are, however, they alone cannot counteract the brutality of the Syrian regime. It remains incumbent upon the Security Council to take all measures necessary to ensure the full and immediate implementation of Security Council resolution 2139 (2014). Vital to this effort is the provision of cross-border access.

In his latest report to the Security Council on the implementation of resolution 2139 (2014), the Secretary-General noted the readiness of the United Nations to put in place arrangements at key border and line crossings to facilitate, improve and monitor access, including a mechanism that would ensure that access is obtained to areas outside of the regime's effective control. The Security Council must now take measures to ensure that the United Nations follows through on that commitment, as demanded by the Council in resolution 2139 (2014).

It is unfathomable that the will of a brutal dictator should be allowed to supersede the needs of an innocent people. The Security Council must act without delay to enforce Security Council resolution 2139 (2014) by ensuring effective cross-border access. Doing so would alter the lives of over 1 million Syrians. As we have stated previously, the Syrian Coalition and the Free Syrian Army stand ready to facilitate cross-border access in areas under our jurisdiction, including at the Tal Shihab cross point with Jordan, and we look forward to providing all assistance necessary to ease the suffering of our people.

(*Signed*) Najib **Ghadbian**
Special Representative of the Syrian Coalition to the United Nations

Enclosure

Syrian Coalition and Free Syrian Army compliance with Security Council resolution 2139 (2014)

1. Paragraph 4: All parties must facilitate the expansion of humanitarian relief operations.

Assistance Coordination Unit

- The Assistance Coordination Unit was formed in December 2012 by the National Coalition of Syrian Revolution and Opposition Forces to coordinate urgently needed assistance to all those affected by the humanitarian crisis in Syria. The Unit coordinates the delivery of aid impartially to all Syrians regardless of ethnicity, religion or political beliefs, in line with international standards and human rights principles that aid should be given on the basis of need alone. Since its inception, the Unit has worked to facilitate and direct the delivery of urgent humanitarian supplies, including medicine and food, to towns and cities across Syria. The Unit works with local councils and local aid groups, international donors and aid agencies, and international and local non-governmental organizations (NGOs) to identify areas of need and link donors with actors on the ground. The Unit has also played an important role in highlighting Syria's urgent humanitarian needs, producing professional and high-quality technical assessments for humanitarian and relief needs.

- The Assistance Coordination Unit employs approximately 80 enumerators in its Information Management Unit. Data collection for each type of report may vary; however, some general principles and limitations remain consistent across all reports. Both qualitative and quantitative data are gathered using direct observations and key informant interviews of relief committees, registration offices, religious leaders, local organizations, heads of household, medical staff, teachers and local police. Public places, such as schools, field hospitals, water points, markets, cemeteries and small shops, are also visited to complement interviews with direct observation.

- The Information Management Unit of the Assistance Coordination Unit provides population figures based on estimates made on the ground by observers, which are then compared to existing registration lists, beneficiary lists and local knowledge or secondary data verifications.

- The Information Management Unit provides regular status updates regarding border crossings at Bab al-Salameh, Tal Abyad, Jarablus and Bab al-Hawa. Each report is provided in English and Arabic, with a corresponding map including logos for each type of traffic: travellers, cargo and relief. Updates also include information on the time of day each border crossing opens and closes. This data is shared on a daily or near-daily basis with the Assistance Coordination Unit donor list.

- In the area of humanitarian access, the Information Management Unit of the Assistance Coordination Unit tracks restriction of movement for relief agencies; violence against relief agencies, personnel, facilities or assets; interference in humanitarian activities; availability of local partners; restrictions or obstruction of beneficiaries to access the aid; active hostilities

affecting humanitarian assistance; and presence of mines and explosives affecting delivery of humanitarian assistance.

- There are some limitations on the data collected by the Assistance Coordination Unit and its agents. The security situation varies from one governorate to another, which causes inconsistent degrees of detail in data collection. Population data are very difficult to track reliably and to verify. When data are not considered sufficiently valid, they may not be included in final reporting.

- The Assistance Coordination Unit Early Warning Alert and Response Network epidemiology report studies instances of infectious disease, including measles, cutaneous leishmaniasis, hepatitis, typhoid fever, tuberculosis, whooping cough, scabies and lice, and their corresponding treatment and morbidity rates. This data is shared on a weekly basis.

- The Assistance Coordination Unit Polio Outbreak Report records reporting of instances of acute flaccid paralysis, a potential indicator symptom of polio, and provides follow-up once samples have been collected and tested. Those data are shared on a weekly basis.

- In January 2014, the Assistance Coordination Unit launched its first Dynamic Situation Monitoring (DYNAMO) Report, which contains detailed information on the needs of Syrians inside the country's borders and reports on 79 subdistricts in Syria. The DYNAMO Report covers demographics inside Syria, humanitarian access, the severity of need, locations where relief agencies are working, aid coordination, food, water, sanitation and hygiene, education, shelter, non-food items and health.

- We will be providing recent reports to the Office for the Coordination of Humanitarian Affairs, containing extensive details that will be helpful to the provision of humanitarian access.

2. **Paragraphs 5-8 and 16: All parties must allow the delivery of humanitarian assistance, grant humanitarian access, including cross-border/cross-line, and facilitate the efforts of the United Nations.**

Empowered individuals

- To facilitate the delivery of humanitarian assistance, the Coalition's Political Committee appointed the following individuals and empowered them to work with the United Nations on issues related to humanitarian access under Security Council resolution 2139 (2014), under the oversight of the Committee and its Secretary-General, Hadi al-Bahra:

Coalition Vice-President, Noura al-Ameer

President, Assistance Coordination Unit, Suheir Atassi

Chief Executive Officer, Assistance Coordination Unit, Osama Kadi

Military Liaison, Hakim Nazir

Horan Revolutionary Council Representative, Dr. Musa Nasr al-Hariri

Attorney, Mohammed Sabra

Homs province

- The majority of the areas in Homs province listed below are under the control of local councils, whereas the roads leading to these areas remain under the control of the Syrian regime. We believe we can facilitate communication between the Office for the Coordination of Humanitarian Affairs and the groups in control of the opposition-held areas in order to discuss, prepare and implement the delivery of humanitarian and medical assistance.

- There are 16,000 residents in Taldo city in the Houla district of Homs province. Of those 16,000 residents, there are 600 children in need of infant milk, 280 families of martyrs, 70 orphans under the age of 15 and 90 disabled persons. There is a dire need for both humanitarian assistance and medicine in this area, including but not limited to, food baskets for 2,500 families and 5 tons of flour daily.

- There are 22,500 residents in Kafr Laha city in the Houla district of Homs province. Of those 22,500 residents, there are 800 children in need of infant milk, 122 families of martyrs, 300 orphans under the age of 15 and 100 disabled persons. There is a dire need for both humanitarian assistance and medicine in this area, including but not limited to food baskets for 3,000 families and 7 tons of flour daily.

- There are 17,500 residents in Taltheeb city in the Houla district of Homs province. Of those 17,500 residents, there are 400 children in need of infant milk, 100 families of martyrs, 70 orphans under the age of 15 and 150 disabled persons. There is a dire need for both humanitarian assistance and medicine in this area, including but not limited to food baskets for 2,000 families and 7 tons of flour daily.

- There are 5,000 residents in Tayba city in the Houla district of Homs province. Of those 5,000 residents, there are 50 children in need of infant milk, 25 families of martyrs, 25 orphans under the age of 15 and 20 disabled persons. There is a dire need for both humanitarian assistance and medicine in this area, including but not limited to food baskets for 500 families and 1.5 tons of flour daily.

- There are 3,000 residents in the cities of Birj, Al Samaleel and Keseen in the Houla district of Homs province. Of those 3,000 residents, there are 90 children in need of infant milk, 25 families of martyrs, 25 orphans under the age of 15 and 20 disabled persons. There is a dire need for both humanitarian assistance and medicine in this area, including but not limited to, food baskets for 300 families and 1 ton of flour daily.

- There are 55,000 residents in Talbeeseh city in the Talbeeseh district of Homs province. Of those 55,000 residents, there are 1,730 children in need of infant milk. There is a dire need for both humanitarian assistance and medicine in this area, including but not limited to food baskets for 5,700 families and 14.5 tons of flour daily.

- There are 15,000 residents in Ghanto city in the Ghanto district of Homs province. Of those 15,000 residents, there are 680 children in need of infant milk, 147 families of martyrs and 325 orphans under the age of 15. There is a

dire need for both humanitarian assistance and medicine in this area, including but not limited to food baskets for 1,800 families and 4 tons of flour daily.

- There are 57,750 residents in Al Rastan city in the Al Rastan district of Homs province. Of those 57,750 residents, there are 1,500 children in need of infant milk and 1,050 families of martyrs. There is a dire need for both humanitarian assistance and medicine in this area, including but not limited to food baskets for 6,000 families and 15 tons of flour daily.
- There are 17,000 residents in Tir Maala city in the Tir Maala district of Homs province. Of those 17,000 residents, there are 675 children in need of infant milk. There is a dire need for both humanitarian assistance and medicine in this area, including but not limited to food baskets for 2,700 families and 5 tons of flour daily.
- There are 125,000 residents in Waer city in the Waer district of Homs province. Of those 125,000 residents, there are 3,500 children in need of infant milk. There is a dire need for both humanitarian assistance and medicine in this area, including but not limited to food baskets for 14,000 families and 40 tons of flour daily.
- The majority of the residents in Al Zara, Al Hasn and Al Qusayr cities in Homs province fled following the Syrian Government's ethnic cleansing of those areas and they are now residing in refugee camps in Lebanon and in the surrounding border areas.

Al Hasakeh province

- The cities of Abu Rasin, Al Hasakeh city, Al Malikeyyeh, Amuda, Bir Elhilu, Darbasiyah, Jawadiyah, Qamishli, Ras al-Ain, Tal Hmis and Ya'robiyah in Al Hasakeh province are controlled by local administrative councils. We believe we can facilitate communication between the Office for the Coordination of Humanitarian Affairs and the groups in control of these opposition-held areas in order to discuss, prepare and implement the delivery of humanitarian assistance.
- The cities of Areesheh, Hole and Shaddadah in Al Hasakeh province remain under the control of the Syrian regime.

Ladhiqiyah province

The regions of Kansaba, Rabee'a and Salma in Ladhiqiyah province are opposition-controlled regions. Within these respective regions there are municipalities that are still controlled by the Syrian regime. The municipality of Qastal Maaf in the Ladhiqiyah province is under the control of the Syrian regime, while the affiliated villages are under opposition control. We believe we can facilitate communication between the Office for the Coordination of Humanitarian Affairs and the groups in control of the opposition-held areas in order to discuss, prepare and implement the delivery of humanitarian assistance.

3. **Paragraph 10: All parties must demilitarize medical facilities, schools and other civilian facilities.**

- The Free Syrian Army fully supports the demilitarization of all schools and hospitals. The Syrian Opposition Coalition and the Supreme Military Council stand ready to work with the international community to ensure the immediate and complete demilitarization of all schools and hospitals under our jurisdiction.
- The Free Syrian Army issued an official declaration signed by President Ahmad al-Jarba and Chief of Staff of the Supreme Military Council General Abdulelah al-Bashir, entitled "FSA [Free Syrian Army] calls for the immediate demilitarization of schools and hospitals", prohibiting the militarization of schools and hospitals, and will amend its Proclamation of Principles to reflect the same.
- Meanwhile, the Syrian regime has used institutions once designated for the care and education of Syrian citizens to shelter its combatants, store arms and ammunition, and to serve as military observation posts and shields for military action.
- Indeed, the Syrian regime continues to deliberately target hospitals and schools in direct contravention of article 3 of the Third Geneva Convention.
- On 27 April 2014, a Syrian regime warplane hit Generation Freedom School in Qah, Idlib province, with a fuel air bomb, killing two children and injuring many others. Generation Freedom School provides elementary and intermediate education to 800 students, many of whom are internally displaced.
- On 1 May 2014, a Syrian regime warplane hit Ein Jalout School in eastern Aleppo, killing 19 people, including 10 children, and injuring many others.

4. **Paragraph 15: All parties must work towards the implementation of the Geneva Communiqué.**

- The goal of the Geneva Conference was the full implementation of the Geneva Communiqué, beginning with the establishment of a transitional governing body exercising full executive powers, which could include members of the present Government and the opposition and other groups, and would be formed on the basis of mutual consent.
- The Syrian Coalition came to Geneva in January and February 2014 prepared to engage proactively and constructively to reach a political solution to the Syrian conflict.
- At every session, the Syrian Coalition put forward positive and implementable positions. The Assad regime came prepared only to obfuscate and delay. Repeatedly, the regime's delegation showed itself unwilling to address the core issues raised in the Geneva Communiqué.
- During the Geneva negotiations, the Syrian Coalition introduced a Statement of Basic Principles, which proposed a framework for transition. However, the Syrian regime refused to discuss it.

- The Syrian Coalition diversified its representation during the Geneva process, including by bringing representatives from armed groups during the second round of negotiations.

- The Syrian Coalition adopted the Declaration of Commitment on Compliance with International Humanitarian Law and the Facilitation of Humanitarian Assistance and sent a letter on 19 March 2014 to Under-Secretary-General Amos confirming this.

- The Syrian Coalition further adopted the Communiqué to Eliminate Sexual Violence, in April 2014, which pledges to issue clear orders prohibiting sexual violence, implement specific commitments to ensure timely investigation of alleged abuses and designate a high-level representative to cooperate with the Special Representative of the Secretary-General on Sexual Violence in Conflict to ensure the full implementation of the communiqué.

- On 15 May, the Coalition released a statement in response to news of the resignation of Joint Special Representative Brahimi, stating in relevant part: "We appreciate Mr. Brahimi's work to try to bring a political settlement to the conflict in Syria. We share his frustration with the Assad regime for not engaging constructively in the political process. The Syrian Coalition remains committed to a political process. But it is clear that the regime will not desist from its brutal military campaign and engage in a political process until it is compelled to do so. That will require concerted international pressure that has so far been lacking."

- The Coalition established contact with the Department of Political Affairs of the United Nations Secretariat after the resignation of Joint Special Representative Brahimi, in order to set up future meetings and continue the dialogue regarding a political resolution.

- A delegation including the President of the Coalition and the Chief of Staff of the Supreme Military Council of the Free Syrian Army held numerous high-level meetings in Washington, D.C. in May, including meetings with legislative and executive officials (such as United States of America President Barack Obama and Secretary of State John Kerry) and leading international NGOs that work in Syria. One of the primary messages of the delegation was to stand firmly for a political solution to the conflict for the long term and, in the immediate term, urge support for Security Council resolution 2139 (2014) and push for full implementation of its humanitarian access provisions.

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Letter dated 27 May 2014 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 23 May 2014 addressed to you from the Representative of the Turkish Republic of Northern Cyprus, Mehmet Dânâ (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly under agenda item 42, and of the Security Council.

(*Signed*) Y. Halit **Çevik**
Permanent Representative

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Annex to the letter dated 27 May 2014 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I am writing in response to the letters dated 9 and 15 May 2014 addressed to you by the Greek Cypriot representative in New York and circulated as documents of the Security Council (S/2014/327 and S/2014/352), which yet again contain false assertions similar to those made in his previous letters. In order to set the record straight, I would like to bring the following to your kind attention.

At the outset, regarding the claims of so-called "infringements of international air traffic regulations" and "violations of the national airspace of the Republic of Cyprus by Turkey", I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the relevant authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. The civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services within its own national airspace. Likewise, the allegation made in the aforementioned letters in relation to Turkish Cypriot ports is also unfounded, given the fact that the Greek Cypriot administration has no jurisdiction or right of say over Northern Cyprus. This represents yet another attempt aimed at distorting the facts and the realities of the island. As noted in our previous letters, such assertions are based on the false and unlawful claim that the sovereignty of the Greek Cypriot administration extends over the whole island, including the territory, national airspace and territorial waters of the Turkish Republic of Northern Cyprus. This pretentious contention by the Greek Cypriot side ignores the present realities on the ground, namely, the existence of two independent, self-governing States on the island of Cyprus, each exercising sovereignty and jurisdiction within its respective territory.

As for the repeated unfounded allegations regarding Ercan airport in the North, it should once again be underlined that the technologically up-to-date Ercan area control centre and airport in North Cyprus have been providing constant, reliable and safe air traffic services since the Greek Cypriot refusal in 1977 to provide air traffic services in the northern part of the island in line with the Greek Cypriot isolation policy imposed on the Turkish Cypriot people. Ever since, all flights within the sovereign airspace of the Turkish Republic of Northern Cyprus have taken place with the full knowledge and consent of the Civil Aviation Department of the Turkish Republic of Northern Cyprus, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or control.

The legislation on aeronautical safety of the Turkish Republic of Northern Cyprus meets all International Civil Aviation Organization standards and recommendations, providing safe and swift navigation of aircraft landing at or taking off from Ercan airport, as well as using Turkish Republic of Northern Cyprus airspace. All airports in Northern Cyprus are in full conformity with international standards and necessary investments have been made to keep up with the developing technology. The number of air traffic controllers has been increased in accordance with the increasing number of flights over the years and the Ercan area control centre is in constant and close cooperation with the Ankara area control centre in

order to ensure the safe conduct of all flights in the region. In 2013 alone, the number of passengers that used Ercan airport stood at almost 3 million, while the projected number of passengers for 2014 is 3.2 million. Moreover, in 2013, around 22,000 planes used Ercan airport for arrival and departure and 150,000 planes used Ercan advisory airspace. These numbers are expected to be around 23,000 and 165,000 respectively for 2014. The Turkish Cypriot side remains committed to upholding the highest standards in the field of air navigation safety in full conformity with the Convention on International Civil Aviation of 1944 and is ready to cooperate with the Greek Cypriot authorities on this very important issue.

Continuous attempts by the Greek Cypriot side, through often-repeated false accounts, to confer legitimacy upon the long-defunct "Republic of Cyprus" are futile since the Turkish Cypriot people will never give in to their unjust demands. What would indeed be conducive to a better climate on the island is for the Greek Cypriot side to stop arrogating for itself rights and responsibilities it does not legally have and to cease its hostile and offensive acts against the Turkish Cypriot people. Moreover, the Greek Cypriot administration should once again be reminded that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey, and that its insistent denial of the Turkish Cypriot rights in the North of the island does not bode well for the prospects of finding a lasting settlement of the Cyprus conflict in line with the established United Nations parameters, which envisage a new partnership on the basis of the political equality of the two peoples of the island within the framework of a bizonal, bicommunal federation with two constituent States of equal status.

Availing myself of this opportunity, I would like to call on the Greek Cypriot side to cease its well-known propaganda tactics and focus on the full-fledged negotiations conducted under your good offices mission to reach a comprehensive settlement in Cyprus without further delay. As the Turkish Cypriot side, we are committed to maintaining our constructive and positive stance and encourage our Greek Cypriot neighbours to follow a similar path.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 42, and of the Security Council.

(*Signed*) Mehmet **Dânâ**
Representative
Turkish Republic of Northern Cyprus